THE DEFENSE SPEECHES OF PAUL IN ACTS

Gattungsforschung and its Limitations

A dissertation by

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presented to

The Faculty of the

Graduate Theological Union

in partial fulfillment of the

requirements for the degree of

Doctor of Theology

Berkeley, California

May 19, 1975

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PREFACE

It is well known that the theological intention of a New Testament work is to be derived from a literary analysis of the document in the hope of establishing how and to what extent the writer has involved himself in the selection, arrangement, modification and/or composition of the material under investigation. This kind of study would require that a comparison be made between the literary genre and particular forms of the New Testament composition and similar models in the contemporary literature.

Scholars have long recognized the crucial role that Acts plays in such literary criticism of the New Testament materials. Some fifty years ago Maurice Goguel wrote: "L'histoire de la critique des Actes est un des chapitres à la fois les plus importants at les plus instructifs de l'histoire de la critique en général."[1] And more recently Macgregor has suggested, perhaps not without some degree of overstatement, that "Conclusions reached by a critic concerning the composition and historical value of Acts are likely to determine his views on the whole process of development, not only of the New Testament literature, but of primitive Christianity itself."[2]

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[1] Maurice Goguel, Introduction au Nouveau Testament, Tome III: Le Livre des Actes (Paris: Ernest Leroux, 1921), p. 37.

[2] George Hogarth Carnaby Macgregor, Acts, Vol. IX of The Interpreter's Bible, ed. by George A. Buttrick (12 vols.; Nashville: Abingdon-Cokesbury Press, 1952-1957), p. 12.

My personal interest in a literary-critical study of the books of Acts stems from a number of confluent emphases in my graduate study. The transition from conservative seminary undergraduate study to doctoral work at the Graduate Theological Union led me into a number of seminars in the area of hermeneutics conducted by Professors Edward C. Hobbs and Herman C. Waetjen. The research in style criticism of New Testament literature made possible by a Bacon Fellowship at the Pacific School of Religion, under the direction of Professor Wilhelm Wuellner, and my subsequent studies with Dr. James Muilenburg in rhetorical criticism of the Old Testament text, led me to appreciate the importance of recognizing the contributions of the biblical writers--whether authors or redactors--as literary productions in their own right. This openness to a more positive understanding of the literary aspects of New Testament writings was further reinforced by Professor W. C. van Unnik in his address before the members of the Center for Hermeneutical Studies in Hellenistic and Modern Culture, Berkeley, California, at the time of this organization's first colloquium. In his presentation on "First Century A. D. Literary Culture and Early Christian Literature" van Unnik pointed out that a closer look at the entire spectrum of first century literature "will also influence and revise many theological judgements that are passed from our 20th century perspective or repeated without first-hand acquaintance with the sources."[1]

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[1]This comment by Professor van Unnik was taken from his lecture notes which were provided for my use in the preparation of the response to his presentation in April, 1970. The complete address was first published in monograph form by the Center for Hermeneutical Studies in Hellenistic and Modern Culture, Berkeley, California, and later in Nederlands Theologisch Tijdshrift. See below, p. 45, n. 1.

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At this point in my personal survey of the secondary literature in the area of New Testament studies a serious question kept raising its head, regardless of which interpreter was being considered. It seemed to me that judgments were being made as to the theological intention of a New Testament writer without the support of a thorough investigation of either his style and form or that of his contemporaries. This uneasiness of mine was heightened and my interest came into a particular focus through a statement by Professor van Unnik in his discussion of recent scholarship on Luke-Acts. He writes:

> This leads us to another point that has not received sufficient attention in the present phase of the Luke-Acts debate. Luke is often dismissed as a historian but treated as a theologian. Is this valid? . . . . A decision can be reached here only if the relations, if there are any, between Luke and historiography in antiquity, both in its theory and its practice, have been investigated properly. Far too little study has been given to this aspect of the case. Of course, the statement is often repeated that Luke was a historian not in modern times but in antiquity and therefore could allow himself certain liberties. But a thorough study comparing him to well known historians of his own times is missing. It may be that such an investigation would reveal aspects that have been overlooked so far and which might be important for a proper understanding of his undertaking.[1]

With this suggestion that a serious comparison of Luke with the ancient writers of history was missing, it only required a further limitation to the defense speeches of Paul to provide me with a subject for investigation which might prove helpful for students of the New Testament.

It is hoped that this attempt to provide a more complete analysis of the literary practices of Luke's contemporaries, along

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[1] W. C. van Unnik, "Luke-Acts, a Storm Center in Contemporary Scholarship," in Studies in Luke-Acts, ed. by Leander E. Keck and J. Louis Martyn (Nashville: Abingdon Press, 1966), p. 27.

with other similar studies, may furnish the information required for a "proper understanding" of Luke's intention in writing Acts.

It is difficult to weigh or measure the influence of the many teachers and fellow students who have made my years of study so pleasurable and rewarding at the Graduate Theological Union. I would, however, like to acknowledge my gratitude to Professors Dieter Georgi, Herman Waetjen, Wilhelm Wuellner, and especially to Dr. Edward Hobbs, without whose constant encouragement the long course of study would have been impossible to bear.

To my other teachers and to the library staffs of the Graduate Theological Union, Pacific School of Religion, and Pacific Union College I wish also to express my appreciation for the much needed assistance they so willingly provided. A special note of thanks is most gratefully extended to the Bacon Fellowship Committee of Pacific School of Religion for the research fellowship and to the Board of Trustees of Pacific Union College for its willingness to underwrite the larger part of the financial burden of my doctoral work.

I wish also to express my appreciation to Professors Donn F. Morgan and Harry Joachim Mumm, for accepting my invitation to serve as members of my oral dissertation examination committee.

Finally, it must be admitted that my wife and girls have invested a good share of their lives in this graduate endeavor of mine. It is therefore to Renie, Jackee, and Karen that this work is affectionately dedicated.

The recent work by Charles H. Talbert, Literary Patterns, Theological Themes and the Genre of Luke-Acts (Missoula, Montana: Society of Biblical Literature and Scholars Press, 1974), came to my attention too late to be included in this investigation.

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ABBREVIATIONS

AJPh	American Journal of Philology
ATR	Anglican Theological Review
CBQ	Catholic Biblical Quarterly
CQ	Classical Quarterly
ET	English Translation
EvTh	Evangelische Theologie
ExpT	Expository Times
HbNT	Handbuch zum Neuen Testament
JBL	Journal of Biblical Literature
JHS	Journal of Hellenic Studies
JQR	Jewish Quarterly Review
JRS	Journal of Roman Studies
JThS	Journal of Theological Studies
NovTest.	Novum Testamentum
NTS	New Testament Studies
NThT	Nederlands Theologisch Tijdschrift
RB	Revue Biblique
Stud Theol.	Studia Theologie
Theol. Rund.	Theologische Rundschau
Theo. Today	Theology Today
ZNTW (ZNW)	Zeitschrift für die Neutestamentliche Wissenschaft
ZThK	Zeitschrift für Theologie und Kirche

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I. INTRODUCTION

Review of the Literature

Acts

In what is no doubt the most thorough-going commentary on Acts since the appearance of The Beginnings of Christianity[1] some fifty years ago, Ernst Haenchen makes the comment that whereas scholars of the past viewed Luke primarily as a historian and more recent studies have stressed Luke's theological intention, "It is the art of the writer which now stands most in need of evaluation."[2]

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[1]F. J. Foakes Jackson and Kirsopp Lake, eds., The Beginnings of Christianity, Part I: The Acts of the Apostles (Five vols.; London: Macmillan & Co., 1922-19), hereafter referred to as Beginnings of Christianity.

[2]Ernst Haenchen, The Acts of the Apostles, trans. by R. McL. Wilson (Philadelphia: The Westminster Press, 1971), pp. 90-91. This work, a translation of the 14th edition in the Meyer Kritisch-exegetischer Kommentar series, was first published in 1956 and will be referred to hereafter as Haenchen, Acts. For a general review of the literature on Acts from the days of the "Tübingen School" and tendency criticism through the periods of source and form criticism to the theological and redactional criticism of recent years see the following works: Ernst Haenchen, The Acts of the Apostles, trans. by R. McL. Wilson (Philadelphia: The Westminster Press, 1971), pp. 14-110; George Hogarth Carnaby Macgregor, Acts, Vol. IX of The Interpreter's Bible, ed. by George A. Buttrick (12 vols.; Nashville: Abingdon-Cokesbury Press, 1952-1957), pp. 12-15; Andrew Jacob Mattill, Jr., "Luke as a Historian in Criticism Since 1840" (unpublished Ph. D. disseration, Vanderbilt University, Nashville, 1959); and William Neil, The Truth about the Early Church (London: Hodder and Stoughton, 1970), pp. 5-46. For a more extensive coverage of the earlier period see two essays in Beginnings of Christianity, Vol. 2: A. C. McGiffert, "The Historical Criticism of Acts in Germany," pp. 363-395; and J. W. Hunkin, "British Work on the Acts," pp. 396-433. Surveys limited to the more recent work on Acts are: Erich Grässer, "Die Apostelgeschichte

Haenchen's commentary, which applies the methodology of redaction criticism to the text of Acts, has not received general approval by New Testament scholars. But no serious student of Acts can escape the influence of this rather rigorous attempt to illuminate the literary skill of Luke.[1]

The question of Luke's creative involvement in the writing of Acts is not a new issue for New Testament interpreters. The difficult problem has been, however, to discover the manner in which Luke manifests himself (and this includes the question of extent) as a writer in the composition of Acts. Once we are able to define somewhat precisely the way in which Luke has superimposed his own personality as a writer on the material, we will be able to understand more clearly, as Erwin Goodenough emphasized, the

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in der Forschung der Gegenwart," Theol. Rund. N. F. XXVI (1960), pp. 93-167; I. Howard Marshall, "Recent Study of The Acts of the Apostles," ExpT LXXX (July, 1969), pp. 292-296; Jacques Dupont, Études sur les Acts des Apôtres (Paris: Les Editions du Cerf, 1967), pp. 12-131; C. K. Barrett, Luke the Historian in Recent Study (London: Epworth Press, 1961); and W. C. van Unnik, "Luke-Acts, a Storm Center in Contemporary Scholarship," in Studies in Luke-Acts, ed. by Leander E. Keck and J. Louis Martyn (Nashville: Abingdon Press, 1966), pp. 15-32. For bibliography listings alone see Ernst Haenchen, Acts, pp. 110-112; Werner Georg Kümmel, Introduction to the New Tesatment, trans. by Andrew Jacob Mattill, Jr., (Nashville: Abington Press, 1966), pp. 106-107; and Andrew Jacob Mattill, Jr. and Mary Bedford Mattill, A Classified Bibliography of Literature on the Acts of the Apostles. New Testament Tools and Studies VII (Leiden: E. J. Brill, 1966).

[1]The writer of the two-volume work known as Luke-Acts will be called "Luke" in this paper without any intent to prejudice the case for or against his being a companion of the apostle Paul. As long as his date remains in the latter half of the first century, where most interpreters place the composition of Acts, we should be able to make literary comparisons. The late date (2nd. cent.) proposed by O'Neill (J. C. O'Neill, The Theology of Acts in its Historical Setting [rev. ed.; London: SPCK, 1970]) has not been accepted by most scholars.

author's purpose in composing this singular work in the New Testament and hopefully be able to more confidently interpret Luke-Acts.[1]

The history of the literary criticism of the book of Acts, which extends over the past fifty years, made its first big strides against the background of historical and archaeological studies which had laid strong claim to Acts being a reliable work of history.[2] The studies of Norden and Cadbury focused on various elements in the composition which compare favorably with the literary conventions of ancient writers.[3] Both Cadbury and Martin Dibelius,[4] whose essay on "Style

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[1]Erwin R. Goodenough, "The Perspective of Acts," Studies in Luke-Acts, ed. by Leander E. Keck and J. Louis Martyn (Nashville: Abingdon Press, 1966), p. 51. This group of essays will hereafter be referred to as Studies in Luke-Acts.

[2]Representative of this viewpoint are: William M. Ramsay, Luke the Physician and other Studies (London: Hodder and Stoughton, 1906), The Bearing of Recent Discovery on the Trustworthiness of the New Testament (London: Hodder and Stoughton, 1915), and Eduard Meyer, Ursprung und Anfänge das Christentums I, III (Berlin: J. G. Cotta, 1921, 1923).

[3]Eduard Norden, Agnostos Theos (Stuttgart: B. G. Teubner, 1956), pp. 3-140 and 311-32, and Henry J. Cadbury, The Making of Luke-Acts (London: S.P.C.K., 1961). Norden was concerned to compare the Areopagus speech of Paul with other religious speeches of ancient times. Already in 1913, when this work was first published, this classical scholar was calling our attention to the evidence of literary practices in Acts. One example is the way in which the sea voyage of Paul is described by Luke (p. 313). The forward-looking work of Cadbury, which could be reprinted without revision thirty years after its first date of publication, i.e. 1926, deals with such evidence of literary style as may be found in the preface to Luke, the literary formulae, artistic elements in the dramatic presentation of stories, and to Luke's practice of inventing speeches for the main characters (pp. 194-209, 213-238, et passim).

[4]Martin Dibelius, Studies in the Acts of the Apostles, ed. by Heinrich Greeven and trans. by Mary Ling (New York: Charles Scribner's Sons, 1956), hereafter to be referred to as Dibelius, Studies. This collection of essays was first published in German as Aufsätze zur Apostelgeschichte and, except for the first essay on style criticism which was written in 1923, contains articles written in the forties.

Criticism of the Book of Acts" stressed the contribution Luke makes as a writer in his (Luke's) treatment of the stories and legends taken over from the tradition, use historiography as their model for the literary genre of Acts. And both insist that such literary practice be understood in the light of the ancient methods of writing history rather than in terms of the rules followed by the modern historians.[1]

These ancient writers are understood to have done more than merely collect the material. According to Dibelius, the historian in Luke's day was permitted to "select, abbreviate or elaborate; he determines the sequence of events; he creates connecting-links and independent passages in between." In fact it is the evidence that Luke so united the various elements into "a significant, continuous whole" and "tried to make clear the meaning which these events contained" that entitles us to call him a historian.[2]

When it comes to the definition of this "meaning" to which the events speak, Cadbury and Dibelius differ. For Cadbury the material itself, largely passed on to Luke, determined the purpose, which was to edify. The theology itself is bound up in the material. If Luke's personal interest is to be considered, Cadbury sees it as perhaps in the nature of an apologia, i.e. a production intended "to correct misinformation about Christianity."[3] Dibelius, sharing with Cadbury

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[1]Cadbury, op. cit., pp. 155-209 and 351-368, et passim, and Dibelius, Studies, pp. 138-185, et passim. These interpreters use for their comparisons the writings of Thucydides, Diodorus Siculus, Tacitus, Livy, Josephus, Xenophon, Polybius, Sallust, Plutarch and others.

[2]Dibelius, op. cit., pp. 148, 125.

[3]Cadbury, op. cit., pp. 299-302, 315, 350. For a different view of Acts as an apology see Burton Scott Easton, The Purpose of Acts (London: Society for Promoting Christian Knowledge, 1936).

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a rather positive view on the use of source materials by Luke,[1] distinguishes more decidely between narrative material and direct speech when it comes to the freedom expressed by the writer. When comparing Luke's use of the historian's practice of abbreviating or elaborating, Dibelius writes:

> We need not overrate this technique, for the countless stories...which the author adopts may have been revised from the point of view of language, but they have not been remodelled as regards style, in fact they have kept their old form.[2]

But when it comes to the speeches we are in another realm. It is here that we find revealed the intention of Luke in writing Acts. He uses the speeches "to reveal the powers which are active behind the events," to give the content of the gospel "in compressed form in these speeches.[3] In short, Dibelius regarded Luke as using the "literary methods of the historian,...to discharge his other obligations of being a preacher of faith in Christ.[4]

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[1]Cadbury, op. cit., p. 231, explains that "for good or for ill he had to depend on earlier material, and his own taste and skill could not always stamp themselves upon it....We may place more confidently to Luke's praise or blame the various features of the speeches in Acts." Yet he is also willing to admit that "The supposition of some authentic written or oral information is most attractive in the case of Stephen's speech and of the speeches of Paul at Athens and Miletus" (op. cit., p. 189). Dibelius hypothesizes an itinerary source behind the narrative material of chapters 13-21 (Studies, pp. 104-105) and the existence of certain traditions for the stories to be found in chapters 1-12 of Acts (op. cit., pp. 11, 105-106). Of course the historical reliability of such traditions is another question altogether.

[2]Dibelius, Studies, p. 148. For Dibelius' elaboration of this viewpoint which at once admits to sources but questions the value of further source critical studies in Acts, see "Style Criticism of the Book of Acts," Studies, pp. 1-25.

[3]Ibid., pp. 165, 166. [4]Ibid., p. 138.

A definite shift took place in Lukan studies in the decade following Dibelius' untimely death. The writer of Acts, who earlier was viewed as a historian and was understood by Dibelius as "an evangelist" who did not "completely become an historian,"[1] now becomes a theologian in his own right. The responsibility for this new direction in the investigation of Luke's intention largely belongs to Philipp Vielhauer and Hans Conzelmann.[2] This new development in the history of Lukan interpretation emphasizing the theological concern which motivates the composition of Acts carried with it a new appreciation of Luke as a literary figure.

In the past, the similarities found in Acts to the literary conventions of ancient writers, were largely found to occur in the genre of historiography.[3] The differences in style were explained

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[1] Ibid., p. 185.

[2] Philipp Vielhauer, "Zum 'Paulinismus' der Apostelgeschichte," EvTh X (1950-1951) pp. 1-15. In this essay (Eng. trans. by Wm. C. Robinson, Jr. and Victor P. Furnish in the Perkins School of Theological Journal XVII and in Studies in Luke-Acts, eds. Keck and Martyn) Vielhauer points to the differences in Luke's viewpoints from those of Paul, particularly the lack of a soteriological emphasis in the death of Jesus and a playing down of the expectation of the parousia. In short, Vielhauer concludes that Luke's theological perspective leads him to present "redemptive history as an episode of history" (Studies in Luke-Acts, pp. 43-49). Hans Conzelmann, in The Theology of St. Luke, trans. by Geoffrey Buswell (New York: Harper and Row, 1960), elaborated basically this same understanding of Luke when he explained that Luke was forced to face the reality of the delay in the parousia and the abiding existence of the Church. According to Conzelmann, Luke deals with this problem theologically by moving the time of Jesus from the end time to middle time (Die Mitte der Zeit) and inserting the time of the Church between this middle period and the parousia. For a criticism of Conzelmann's position see O. G. Wilson, "Lukan Eschatology," NTS, XVI (1969-1970), pp. 330-347.

[3] See above, pp. 3, 4.

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by appealing to the writer's personal idiosyncrasies and his desire to edify[1] or to preach.[2] Conzelmann turns the argument around and urges that those very differences be seriously considered as indicators of another literary genre which might have influenced Luke. He asserts:

> To be sure, opinions about Luke as a historian conflict sharply. That elements of ancient historiography can be found in his work is undeniable. But they are too weak to prove him to be a historian in the sense of ancient literature. On the one hand, one finds elements of the style of Hellenistic historiography and the Hellenistic novel. On the other hand, the Lucan prose is not literary prose. All the observations concerning his style merely lead up to a general characterization and not to a classification within the history of Hellenistic style.[3]

In his plea for the inclusion of the novel literary pattern as one possible model in Luke's literary milieu, Hans Conzelmann by no means overlooked the value of the historiography genre. In his discussion of the Areopagus speech, he maintains that the speech is "purely

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[1]Cadbury, op. cit., pp. 213-238, passim, 350. It is Cadbury's view that Luke "adopted a few quite obvious and superficial literary conventions without carrying through his work the standards of composition which these affiliations might seem to imply (p. 194). For Cadbury, then, Luke was no "litterateur," perhaps mainly because of the materials to which he chose to be subject.

[2]Dibelius, Studies, p. 183. According to Dibelius, Luke differed from the methods traditional with historians in his preference for direct speech, the shortness of his speeches, the lack of rhetorical elaboration, the disunity of style and his "intentional interruption of the speaker by the listeners" (pp. 179-183, 160).

[3]Hans Conzelmann, "Luke's Place in the Development of Early Christianity," Studies in Luke-Acts, p. 300. Conzelmann is not clear on what evidence in Luke points to the romance genre. He does agree that Haenchen "aptly characterizes the style as 'dramatic episode'" and points to Achilles Tatius as a good example. Such novels are, however, to be distinguished from the "popular novels" which are to be found in the later aprocryphal literature on the apostles and which exhibit such motifs: "travel adventure, intensification of miracles, erotic motifs" (Ibid., p. 311, ns. 36, 37).

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literary." But the purpose is to emphasize the "permanent importance" of the unique situation and not to provide a model sermon for missionary use (contra Dibelius). In this instance the "speech" functions, as it often did for the ancient historians, as an instrument to illuminate the "pedagogical value of history."[1] Another model which Conzelmann presents as applicable in the literary appreciation of Luke's composition is the well known Life of Apollonius of Tyana credited to Philostratus.[2] This work is cited to offer an example of the way in which one might treat the life of a θεῖος ἀνήρ.

It is in the context of this recognized variation in the Hellenistic literary styles to be found in Acts[3] and the resulting multiplicity of interpretations, to which we have briefly alluded, that

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[1]Hans Conzelmann, "The Address of Paul on the Areopagus," Studies in Luke-Acts, p. 227. The support for Conzelmann's interpretation is the Hellenistic historian, Diodorus Siculus. Incidentally, the date Conzelmann takes for the composition of Acts is "around A.D. 100" (Ibid., p. 218).

[2]Hans Conzelmann, Die Apostelgeschichte [HbNT VII]; (Tübingen: Paul Siebeck, 1963), pp. 47, 70. The literary critics, to my knowledge, have not agreed on the genre classification for the Life of Apollonius of Tyana. Is this work biography? Is it an aretalogy? Of interest in this comparison by Conzelmann is the study by Dieter Georgi, "The Records of Jesus in the Light of Ancient Accounts of Revered Men," 1972 Proceedings, Vol. 2 (Society of Biblical Literature), pp. 527-542, and the broader parallelization by Gerd Petzke, Die Traditionen über Apollonius von Tyana und das Neue Testament (Leiden: E. J. Brill, 1970).

[3]Paul Wendland in "Die urchristlichen Literatur," HbNT I. 3, pp. 191-357, had adumbrated the view that from a literary standpoint Acts, like the Maccabean books, had a "Mittelstellung zwischen Historie und Heldenbuch" (p. 259). This impression of Acts as being a literary "mixed bag" was more adequately illustrated by Dibelius and Cadbury to whom reference has already been made. See above, pp. 6, 7.

Haenchen makes his literary evaluation of Luke as a writer.[1] He is, however, prompted by the conviction that Luke is first of all a theologian,[2] and it is to this fundamental intention that the literary method is held in subjection. Following the theological leads of Vielhauer and Conzelmann,[3] the contribution of Haenchen's commentary is not to be found in deeper theological insights. The value of this major work is to be judged in terms of its literary achievements. For Haenchen is the first to attempt an analysis of the entire book of Acts from a literary point of view concerned with the composition of the whole rather than its parts.[4]

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[1]See above, p. 1, and Haenchen, Acts, pp. 103-110.

[2]Haenchen, Acts, pp. 91, 98-99. This opinion, however, is only one of the contending positions held by contemporary interpreters of Acts. The historical interest of Luke is maintained by such scholars as Arnold Ehrhardt, "The Construction and Purpose of the Acts of the Apostles," Studia Theologica XII (1958), pp. 45-79, and Nils A. Dahl, "The Story of Abraham in Luke-Acts," Studies in Luke-Acts, pp. 139-158. The models of ancient historiography chosen by these writers are taken from the biblical historians, in contrast to the classical historians used earlier for literary comparisons. See above, p. 4, n. 11. A slightly different tack is taken by other critics of Luke who understand Luke to be a historian concerned to portray the theological meaning of history. See Donald Guthrie, New Testament Introduction I, (London: The Tyndale Press, 1965), p. 88, and Duane F. Lindsey, "Lucan Theology in Contemporary Perspective," Bibliotheca Sacra CXXV (October-December, 1968), pp. 346-351.

[3]See above, p. 6, n. 2.

[4]The studies mentioned previously have been concerned with Luke as a writer and used Acts (as well as his gospel) to illustrate his methods, or have appealed to the various literary models to interpret portions of Acts, such as the Areopagus speech. And previous critical commentaries (such as Beginnings of Christianity) were limited by source criticism and the historical intention of the writer in their appreciation of Luke's literary creativity.

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If we would suppose a literary continuum which runs from historiography,[1] story-telling, imaginative biography to novel,[2] Ernst Haenchen would probably put Luke somewhere near the middle, a position in which W. L. Knox[3] would also place the writer of Acts. Haenchen does not agree with Dibelius in the latter's comparison of Luke with the ancient historians.[4] Therefore while one may describe Luke as a historian (as indeed Haenchen does), it is to be stressed that this New Testament writer is a unique historian, i.e., one who

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[1]At far left would be the claim of Eduard Meyer (Ursprung und Anfänge das Christentums, I (Berlin: J. C. Cotta, 1921): "Dadurch erhält sein Werk, trotz des viel kleineren Umfangs, doch denselben Charakter wie die der grossen Historiker, eines Polybios, eines Livius und so vieler andrer" (p. 2).

[2]At the far right would be Archibald Robertson, The Origins of Christianity (New York: International Publishers, 1954), p. 170, who insists that due to the "inaccuracies, inventions and suppressions," Luke "remains one of the world's great romancers." Cf. Conzelmann, Studies in Luke-Acts, p. 300.

[3]Wilfred L. Knox, in his brief work on The Acts of the Apostles (Cambridge: Cambridge University Press, 1948), views all of Acts beyond the introductory chapters to have been patterned after the "travel story," a form which involved miracle and adventure and used in many of the ancient novels (pp. 55-57). At the same time he speaks of Luke as following the practices of his contemporary historians (pp. 36, 37, 55). The picture is not made much clearer when Knox (reflecting the view of Norden in his Agnostos Theos, see below, pp. 23, 24) refers to Philostratus' life of Apollonius of Tyana as an illustration of this type of literature (p. 55. n. 2). Knox differs considerably from Haenchen, however, in his insistence on the reliability of Luke's record, including the faith that comes to light in the composed speeches of Acts, when viewed in the light of the practices of the serious historians of his day and the limitation of the information available to him (pp. 65-68).

[4]Haenchen does not find it agreeable with the ancient practice of "striving for the typical" to play down the role of the companion of Paul in Acts 27. He also has problems with the existence of an itinerary source to which Dibelius appealed (op. cit., pp. 40, 41).

has chosen to present history under the cloak of stories, using the "dramatic technique of scene writing...untrammelled by tradition" for the purpose of edifying the believers.[1] The reason for this special treatment of history by Luke is explained by Haenchen.

> The author is not so much a historian in our sense of the word as he is a fascinating narrator. He writes not for a learned public which would keep track of all his references and critically compare them, but rather for a more or less nonliterary congregation which he wants to captivate and edify. For this purpose he uses a peculiar technique: he joins short, compact, picturesque scenes together like the stones of a mosaic.[2]

This interesting statement of Haenchen raises a number of questions which have a direct bearing on our investigation. Firstly, do we know what place Luke occupied among the writers of his day? It is not so much "our sense" of what Luke was that is important but rather the "sense" in which the contemporary readers of Acts understood him as a writer. Did he appear as a "unique" historian to them? Did any of the other historians of his day use this method of story-telling to write history? Secondly, if the literary sophistication of the readers is an important consideration for determining the form in which the writing is to be cast, as Haenchen here intimates, can we establish this factor from a study of the form of the literature itself

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[1]Haenchen, op. cit., pp. 103-107. Haenchen sets forth his basic understanding of Luke's methodology in his article "Tradition und Komposition in der Apostelgeschichte," ZThK LII (1955), pp. 205-225.

[2]Ernst Haenchen, "The Book of Acts as Source Material for the History of Early Christianity," Studies in Luke-Acts, p. 260.

apart from the influence of such a judgment?[1] And thirdly, was the so-called "dramatic technique" employed by Luke "peculiar" for his day or only unique in its use for historiography? If his work is viewed as some other literary genre, would his style remain "peculiar?" If Luke is so peculiar, is it safe to draw any conclusions from a comparison of his writing style with others of his age?[2]

Haenchen at least partly answers our questions in his explanation that Luke lacked both the "adequate historical foundation" and "the right readers" for producing a historical work after the pattern of Xenophon or Thucydides. The literary model for Luke's style of writing history, according to Haenchen, was "probably" taken from the Greek Old Testament and the gospel tradition, though his Greek and Roman readers would be reminded of Plutarch and Virgil respectively.[3] As a result,

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[1]It is interesting to note that Dibelius, who compares Luke as a historian to the classic style (at least in part) of Thucydides, et alii, also claims that Acts is a literary work, exhibiting a "much higher standard of writing than in the Gospel," and was destined to be read not only by "simple Christians" but also "people of literary education." These knowledgeable readers would be able to appreciate the historian's technique to the degree that Luke employs such methods (Studies, pp. 2, 146-148). For a correction of Dibelius' contention that the naming of the addressee of Acts guaranteed its publication, see Arthur Darby Nock's review of Aufsätze zur Apostelgeschichte, by Martin Dibelius, ed. by Heinrich Greeven, in Gnomon. XXV (1953), pp. 501-502.

[2]These questions are equally applicable to the arguments offered by Cadbury, Dibelius and Conzelmann in support of their claims in respect to Luke's literary intentions. These interpreters, on different grounds and in varying degrees, also plead for the recognition of Luke's "uniqueness." See above, p. 7, n. 2.

[3]Haenchen, op. cit., p. 107, n. 1. Haenchen does not offer any literary comparison in support of his viewpoint. In his reference to Plutarch and Virgil, whose writings are not in the genre of historiography, he is appealing to certain qualified suggestions of J. de Zwaan (Beginnings of Christianity, I, Vol. 2, p. 65), and to a

while Haenchen will at times appeal to specific practices of ancient historiography which are exhibited in Acts,[1] and even refer to Luke as a historian, the dominate thrust of his judgment on Luke as a writer tends to label Luke as a story-teller, whose style and freedom from the tradition is perhaps best demonstrated in present day historical novels.[2] The peculiarities of this style and the freedom from the tradition, whether oral or written, Haenchen describes and elaborates in his redaction criticism of Acts. There remains very little of a recoverable tradition when Luke's creative handiwork has been accounted for. And the accounts which did exist in Luke's day were, in the opinion of Haenchen, for the most part in an oral state or contained in personal letters written to Luke in reply to his inquiries on the apostles.[3] Rudolf Bultmann and others have taken issue

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description of Virgil's procedure as provided by Wilhelm Kroll ("Die Originalitat Vergis," Neue Jahrbücher für das klassische Altertum [Leipzig: 1908], pp. 521ff), who is also mentioned by de Zwaan.

[1]For the most part such references occur in his introduction. His commentary assumes the conclusions of Dibelius in regard to the invention of speeches by the ancient historians. Cf., Dibelius, "The Speeches in Acts and Ancient Historiography," Studies, pp. 138-185.

[2]Haenchen, Acts, p. 120. Haenchen underscores the point that such a judgment should not be understood to mean that Acts as such is "a historical novel." Perhaps he can be best understood from a portion of his commentary on Acts 24: "What Luke actually learned about Paul's trial under Felix can only be conjectured. The most natural assumption is that a Jewish delegation with the lawyer Tertullus presented itself in Caesarea, but had to be satisfied with an adjournment. That Luke from such a notice could have created so colourful a story is the secret of his great art" (Ibid., p. 659).

[3]Ibid., pp. 82-90.

with Haenchen over this rather pessimistic view of the existence of written sources for the composition of Acts.[1]

It is perhaps not an exaggeration to claim that this shift from the traditional historical interpretation of Acts to the theological understanding of Luke's aim has occasioned most of the discussion on Acts in recent years.[2] Ernst Käsemann stressed that: "We can only understand him (Luke) as an historian, if we have first understood him as a theologian."[3] E. E. Ellis would modify this viewpoint by saying that Luke, though an historian, is "appreciated best when he is recognized also as a theologian and littérateur."[4] I. Howard Marshall opts for a mid-position reminiscent of Dibelius, in his rejection of the either-or categories of the history-theology argument. He argues that Luke as an "evangelist" was interested in both theology and history.[5] Ehrhardt holds a similar view in his claim that

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[1]Rudolf Bultmann, "Zur Frage nach den Quellen der Apostelgeschichte," New Testament Essays in Memory of T. W. Manson, ed. by A. J. B. Higgins (Manchester: Manchester University Press, 1959), pp. 68-80. For a survey of the source problem of Acts see Jacques Dupont, The Sources of Acts, trans. by Kathleen Pond (London: Darton, Longman and Todd, 1964).

[2]While it suffers from being a generalization and oversimplification of the problem, it might be helpful to view the contemporary problem of Acts as being similar to the question of the "historical Jesus" which form critical studies of the gospel accounts raised. Only for Acts it is style criticism which has brought to the front the issue of the "historical primitive church."

[3]Ernst Käsemann, Essays on New Testament Themes (Naperville, Ill.: Alec R. Allenson, 1964), p. 148.

[4]E. Earle Ellis, The Gospel of Luke (London: Thomas Nelson and Sons, 1966), p. ix.

[5]I. Howard Marshall, Luke: Historian and Theologian (Exeter: The Paternoster Press, 1970), pp. 18, 19.

Luke wrote a "theological history," not a "factual history."[1] Variations of these positions include Gärtner's contention that Luke is following the Jewish pattern of writing historiography as exhibited in I and II Maccabees,[2] the typological approaches of Rackham and Goulder[3] and the "magnificent display of acted symbolism" as maintained by Thiering.[4]

This brief survey of literature on Acts has had as its general aim the desire to show that, ostensibly at least, the various interpretations relative to the purpose of Acts have stemmed from a comparison of Luke's second volume with the composition methods of ancient writers. But whether Luke as a historian is understood in terms of Polybius or Livy, or as a theologian composing on a pattern similar to the writers of the lives of philosophers or biographical novels,[5] there is one literary convention Luke is considered to have followed in either case. It has seemed crucial for the arguments on either side to claim that Luke, though unique in his use and

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[1]Arnold Ehrhardt, The Framework of the New Testament Stories (Manchester: Manchester University Press, 1964), p. 64.

[2]Bertil Gärtner, The Areopagus Speech and Natural Revelation, trans. by Carolyn Hannay King (Lund: C. W. K. Gleerup, 1955), pp. 27-29.

[3]Richard Belward Rackham, The Acts of the Apostles: An Exposition (6th ed.; London: Methuen and Company, 1912), pp. xlvii-l; M. D. Goulder, Type and History in Acts (London: S.P.C.K., 1964).

[4]Barbara Thiering, "The Acts of the Apostles as Early Christian Art," Essays in Honour of Griffithes Wheeler Thatcher, ed. by E. C. B. MacLaurin (Sydney: Sydney University Press, 1967), 189.

[5]It has been relatively easier for the historical interpreters to find their literary models than for the theological exponents. In the absence of pagan theological models, these latter expositors have noted similarities in such biographies as Philostratus's Life of

adaptation of the materials available to him, followed the ancient practice of inventing speeches and putting them in the mouths of the main characters at special times to emphasize the importance of the occasion or the meaning of the event.[1] Since the major concern of this investigation has to do with certain speeches to be found in Acts, it is appropriate that we turn now to a survey of the literature on the speeches.

The Speeches in Acts

There are approximately 1003 verses in Acts. Of these, 500 are in the form of direct speech, consisting of dialogue, letters and speeches.[2] The speeches, totalling 311 verses, are divided quite

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Apollonius of Tyana and Lucian's False Prophet, and in novels such as those by Achilles Tatius. See C. K. Barrett, Luke the Historian in Recent Study (London: The Epworth Press, 1961), pp. 13-15, and Hans Conzelmann, "Luke's Place in the Development of Early Christianity" (Studies in Luke-Acts), p. 300, n. 36. See also above, p. 8, n. 2. It is important to notice, however, that for Barrett the Hellenistic biographical novel is only a possible pattern for the literary form of Acts. The intention of Luke remains "the historical task of reconstructing the story of Jesus, and of depicting the life, thought, and preaching of the earliest days of Christianity" (p. 76). In this conception of Luke's task, we are confronted with the problem of the relation of form and content to which we shall return later in our discussion. (Emphasis mine.)

[1]Of special significance for the role of the speeches in the history of the interpretation of Acts is Dibelius' essay, "The Speeches in Acts and Ancient Historiography," Studies in Acts, pp. 138-185. Cf., Bertil Gärtner, op. cit., pp. 12-36.

[2]While these figures are the result of careful scrutiny of the text of Acts, they must be taken, in the final analysis, as only approximate. In addition to the problem of establishing whether a ὅτι is "recitative" or "declarative," there is the more fundamental issue of the text itself. The writer has elected to present the Egyptian text though in certain passages it is recognized that the Western tradition has good reasons for claims of originality. It is beyond the scope of this investigation to deal with the question of the text itself except where it is pertinent to the study of the defense speeches.

evenly between Peter, Paul and various minor personalities described in Acts.[1] With fully one-third of the composition presented in the form of speeches, it is not surprising that much of the literature on Acts has focused on the interpretation of these addresses and how they are to be understood in the context of the entire composition.[2] It does seem worthy of note, however, that the speeches have not all received equal treatment. As late as 1960 it could be said that Stephen's speech before the Sanhedrin and Paul's speech on the Areopagus had received more coverage than all the other speeches combined.[3]

The earlier critical scholars followed the general practice of giving incidental notice of the speeches as part of their discussion of the entire composition. For example, though Schneckenburger, Baur and Zeller agreed on the apologetic tendency of Acts, they disagreed on the authenticity of the speeches accordingly as they disagreed on their views of the historicity of the work as a

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[1]The total of 24 speeches is divided as follows: Peter-8; Paul-8; miscellaneous speeches 8. Cadbury (Beginnings of Christianity, Vol. V, p. 403) and Dibelius (Studies, p. 150) assign nine to Paul. The discrepancy is over the speech at Lystra, 14:15-17, which is presented in the text as given by Barnabas and Paul and therefore not listed by me as a Pauline speech.

[2]For a general review of the literature on the speeches in Acts see the works listed above (p. 1, n. 2), especially the work of Mattil which surveys the history of criticism since 1840. In addition the following works will prove helpful: Ulrich Wilckens, Die Missionsreden der Apostelgeschichte (Neukirchen: Verlag der Buchhandlung des Erziehungsvereins, 1961), pp. 7-31; Cadbury, "The Speeches in Acts," Beginnings of Christianity, vol. V, p. 404, n. 2; John T. Townsend, "The Speeches in Acts," ATR XLII (April, 1960), pp. 150-159.

[3]John T. Townsend, "The Speeches in Acts," ATR XLII (April, 1960), p. 153.

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whole. Schneckenburger, appreciating Luke as a historian, held the speeches to be a good representation of what Paul had said. He bases his contention on his claim that Luke used oral and eyewitness reports and achieved his apologetic purpose through a selection of the material he uses. Baur and Zeller, however, as leading members of the school of "tendency criticism," concluded that the apologetic tendency of the author was such as to lead him to use the literary license of putting speeches into the mouths of the speakers.[1]

This practice of the ancient historians to invent the speeches for their leading characters was well known by the interpreters of the late nineteenth and early twentieth centuries. It was also freely admitted that Luke does not present the speeches verbatim. The speeches are too short and they are too much in harmony with the historian's personal style for even the conservatives to claim they appear exactly as they were delivered.[2] The issue was rather the historicity of the general content of the speech. Does the speech represent as nearly as

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[1]Matthias Schneckenburger, Über den Zweck der Apostelgeschichte (Berne: Christian Fischer, 1841), pp. 132, 140, 150, 58, 92; Ferdinand Christian Baur, Paul, The Apostle of Jesus Christ, trans. from the second German edition by A. Menzies and ed. by Eduard Zeller; (2 vols.; London: Williams and Norgate, 1873-1875) I, pp. 199-252 et passim; Eduard Zeller, The Contents and Origin of the Acts of the Apostles, Critically Investigated, trans. by Joseph Dare (2 vols.; London: Williams and Norgate, 1875-1876). The original German edition was published in 1854 under the title Die Apostelgeschichte nach ihrem Inhalt und Ursprung kritisch untersucht.

[2]A. C. Headlam, "Acts of the Apostles," A Dictionary of the Bible, ed. by James Hastings, I (New York: Charles Scribner's Sons, 1903), p. 33. Though compare W. M. Ramsay, St. Paul The Traveller and the Roman Citizen (New York: G. P. Putnam's Sons, 1903), p. 27.

possible the words actually spoken or does the speech reflect the writer's point of view?

Weiss argued that "the custom of classic authors to put declamation into the mouths of their heroes offers no analogy whatever" when it comes to the speeches in Acts. The author no doubt had written sources before him.[1] In the same vein Chase maintained that if Luke were inventing a novel he would not have his hero speaking at Lystra with only meager results.[2] Lechler, on the other hand, used the ancient practices of the historiographers to defend the reputation of Luke as a historian. He claimed that

> antiquarians, such as Prof. Jebb of Glasgow (Abbot's Hellenica, 1880), and Reifferscheid of Breslau (Conjectanea in Thucydidem), have carefully examined the speeches of Thucydides with reference to their historical contents, and both have come to a similar conclusion, viz. that the historian, while elaborating the discourses, kept closely to what he had before him. But Livy, Hist. iii. chap. 47, shows plainly that he consulted his sources repecting the speeches, using them only after previous examination. Philological scholars, e.g. Kohl, Ueber Zweck und Bedeutung der Livianischen Reden, 1872, p. 21, have recognized that the historian took the contents and succession of ideas in the speeches from his sources.[3]

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[1]Bernhard Weiss, A Manual Introduction to the New Testament II, trans. by A. J. K. Davidson (2 vols.; New York: Funk and Wagnalls, 1889), p. 334.

[2]Frederic Henry Chase, The Credibility of the Book of the Acts of the Apostles (London: Macmillan and Company, 1902), p. 290.

[3]Gotthard Victor Lechler, Apostolic Times, I, trans. by A. J. K. Davidson (Edinburgh: T. and T. Clark, 1886), p. 267, n. 1. Bleek also saw a positive value in a comparison of Acts with ancient works, especially in regard to the speeches attributed to groups (cf. Acts 2:7; 4:15, 19, 24; 5:29; 6:2; 13:46). "A modern writer would use oblique, where an ancient, and more especially a Hebrew, author would prefer direct narration, even when it was not at all his intention to report the words, but merely the general sentiment" (Friedrich Bleek, An Introduction to the New Testament, ed. by Johannes Friedrich Bleek, trans. by William Urwick, vol. I Edinburgh: T. and T. Clark, 1873), p. 375.

A somewhat mediating position between the "free composition" viewpoint of the Tübingen critics and the claims of general historical reliability of the speeches by the conservatives was taken by Franz Overbeck.[1] Otto Pfleiderer, in his commentary written from the point of view of Overbeck, describes the defense speeches of chapters 22, 24, 26 and 28 as "pattern speeches for the defense by a Christian advocate on behalf of fellow-believers when accused before the Roman authorities"[2] He views the speeches as free literary compositions modeled after those of the ancient historians who endeavored to present the heroes as he thought they would have spoken under the circumstances. Pfleiderer insists that Luke desired to write a "true history" in terms of the understanding of historiography of his day, in which "ideal truth" was viewed to be of more importance than "objective reality".[3] The time factor of the second century, the deutero-Pauline views expressed in the speeches and the improbable situations for making accurate reports

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[1]Franz Overbeck voiced his rejection of the Tübingen view, i.e. that the purpose of Acts was to soft pedal certain aspects of Gentile Christianity in order to gain recognition of the Gentile Church and Paul by Jewish Christianity, in his introduction to the fourth edition of W. M. L. de Wette's Acts (Leipzig: S. Hirzel, 1870), titled "Kurze Erklaerung der Apostelgeschichte," It is Overbecks's position that Luke, writing from the second century, did not intentionally distort or alter the tradition. The sources and viewpoints existing in his day left him no alternative. Jewish Christianity had been given up. In Acts Gentile Christianity is presented as "the legitimate fruit of the old Apostolic Christianity" (pp. 24, 25). This new understanding of Luke is perhaps best described by H. J. Holtzmann: "Wo er (der Verfasser) nach der Tübinger Kritik nicht sehen wollte, da konnte er der neueren Auffassung gemäss vielmehr meist nicht sehen." Hand-Commentar zum Neuen Testament, Vol. 1, part 2, Die Apostelgeschichte [Tübingen: J. C. B. Mohr, 1901]), p. 2.

[2]Otto Pfleiderer, Primitive Christianity, II, trans. by W. Montgomery (London: Williams and Norgate, 1909), p. 298.

[3]Ibid., pp. 235, 292.

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of the speeches, especially those at Athens and before Felix, Festus and Agrippa, militate against their being authentic speeches.[1]

Before moving into the "post Tübingen" period of source criticism, which should perhaps be dated as beginning with the publication of Weiss' introduction in 1886, Lehrbuch der Einleitung in das Neue Testament,[2] two works should be mentioned which mark a new departure in the study of Acts. For the first time we find special attention being given to the speeches in Acts. Martin Kähler's study of the speeches of Peter argued for their authenticity on the basis of Lucan terminology and Palestinian linguistic elements.[3] Some years later Friedrich Bethge followed with a treatment of the Pauline speeches in Acts, approaching the material from a historical-grammatical point of view.[4]

Perhaps the first attempt to apply a literary analysis to the speeches as separate from the work of Acts as a whole, is to be found in the source-critical activities of W. Soltau, who saw in the Stephen speech the model for Luke's creating the sermons of Peter and Paul.[5] But the full bloom of source criticism, typified

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[1] Op. cit., pp. 274-279.

[2] See above, p. 18 n. 1.

[3] Martin Kähler, "Die Reden des Petrus in der Apostelgeschichte, sprachlich untersucht," Theologische Studien und Kritiken, XLVI (1873), pp. 492-536.

[4] Friedrich Bethge, Die Paulinischen Reden der Apostelgeschichte (Göttingen: Vandenhoeck und Ruprecht, 1887).

[5] W. Soltau, "Die Herkunft der Reden in der Apostelgeschichte," ZNTW IV (1903), pp. 128-154.

if not dominated by Adolf Harnack,[1] who was trying to do for Germany what Ramsay had done for British scholarship,[2] did not permit him to move very far in this aesthetic direction. Even Maurice Jones,[3] who stimulates our interest with his title St. Paul the Orator, does not provide a literary or stylistic treatment of Paul's speeches. His interest is to provide a complete survey of the speeches of Paul in Acts, which until his time had not appeared in English. He builds mainly upon the previous work of Chase, Ramsay, Rackham and Knowling in the writing of historical commentary.[4]

Percy Gardner attempts what he calls a "literary" investigation of six speeches of Paul in Acts but he assumes Luke is a "literary genius...who went by the traditions and customs of Greek literature in his times."[5] These literary conventions, however, except for the

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[1]Adolf von Harnack, The Acts of the Apostles, trans. by J. R. Wilkinson (London: Williams and Norgate, 1909).

[2]William M. Ramsay, St. Paul the Traveller and the Roman Citizen, (New York: G. P. Putnam's Sons, 1896). Ramsay, who began his historical and archeological investigations in support of the Tübingen position which cast doubt on the historicity of the material of Acts, concluded his study with solid support in defense of Luke as a dependable historian. Harnack based his positive views of Luke as a reliable historian on an appeal to historical and source-critical studies even in the face of admitted inaccuracies of Luke (See Harnack, op. cit., xli-xliii).

[3]Maurice Jones, St. Paul the Orator (London: Hodder and Stoughton, 1910), pp. v-vii.

[4]Frederic Henry Chase, The Credibility of the Book of the Acts of the Apostles (London: Macmillan and Company, 1902); William M. Ramsay (op. cit.); Richard Belward Rackham, The Acts of the Apostles: An Exposition (London: Methuen and Company, 1912) 2d ed., and R. J. Knowling, The Testimony of St. Paul to Christ (2d ed.; London: Hodder and Stoughton Publishers, 1906).

[5]Percy Gardner, "The Speeches of St. Paul in Acts," Cambridge Biblical Essays, ed. Henry Barclay Swete (2d ed.; London: Macmillan and Company, 1909), pp. 385, 384.

practice of historians to insert speeches, are not treated to any extent. The analysis is largely a study of the content in comparison with the Pauline epistles for purposes of establishing evidence of Lucan composition.[1] An insight into the extent of Gardner's literary analysis may be provided by the following statement he makes in reference to the speeches. "It appears that Luke in his use of speeches stands between the ethical and dramatic tendency of Herodotus and Tacitus and the rhetorical tendency of Thucydides and Sallust."[2]

In our review of the literature which treats the speeches in Acts, and especially the speeches of Paul, three impressions stand out. It is clear that most of the studies deal with the speeches in terms of and by way of the approach of the interpreter to the entire work. It is also apparent that the source critics are more concerned with the speeches of Peter than those of Paul.[3] And finally, it seems obvious that the historical-critical investigations and the source-critical studies did not include serious literary analysis, especially of the speeches of Paul.

The transition into a literary appreciation of speeches in Acts was largely facilitated by the work of two men writing just prior to the first World War. Paul Wendland viewed the composition of Acts

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[1] Ibid., pp. 379-419, et passim.

[2] Ibid., p. 394.

[3] No doubt this was partially due to the work of Ramsay and Harnack who vindicated Luke as a historian. After all, "if St. Luke the Physician (cf. Col. 4:14) is the author of Acts (which Harnack endeavored to show in his Luke the Physician, trans. by J. R. Wilkinson, ed. by W. D. Morrison [New York: G. P. Putnam's Sons, 1907]), the question of sources is simply and speedly settled for the whole second half of the book" (Harnack, The Acts of the Apostles, p. 162.

as being somewhere between history and epic.[1] Wendland was shortly followed by Eduard Norden, a philologist, who gave serious study to the Areopagus speech of Paul.[2] He argued that the literary style and structure of the speech and its formulae are key factors in understanding the nature and purpose of the address.[3]

This emphasis on literary analysis was greatly intensified in the "form-criticism" period of New Testament studies.[4] The leading figure in this new development in the study of Acts was Martin Dibelius, who, while serving as a pioneer in the application of form-criticism to the Synoptic Gospels,[5] recognized that the method was unsuitable

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[1]Paul Wendland, op. cit., pp. 248-269.

[2]Eduard Norden, Agnostos Theos: Untersuchungen zur Formengeschichte religiöser Rede (Leipzig: B. G. Teubner, 1913), pp. 143-308; 1-30.

[3]Though Norden's claim that the speech is an imitation of a speech by Apollonius of Tyana (Op. cit., pp. 31-55; 333-346), is no longer generally accepted, the thrust of his remarks on the style remain important.

[4]Haenchen divides the period of "form criticism" into two phases. The first phase of form-critical studies on Acts had to do with the smaller units and phase two (after 1945) extended the coverage to include the entire composition (Acts, pp. 34-49). It would appear to the writer more appropriate to speak of this "second phase" as "redaction-criticism."

[5]Dibelius applied this method of criticism, which involved the study of the forms of the smaller units of material and their supposed history in the oral tradition prior to becoming a part of the written source, and which Hermann Gunkel earlier inaugurated for Old Testament criticism, to the Synoptic Gospels in 1919. This work, Die Formgeschichte des Evangeliums (2d ed. trans. by Bertram Lee Woolf, From Tradition to Gospel [New York: Charles Scribner's Sons, 1935]), is one of a number of form critical studies, which were published at about the same time. See also: Rudolf Bultmann, Die Geschichte der synoptischen Tradition, 1921 (The History of the Synoptic Tradition, trans. by John Marsh [New York: Harper and Row, 1963]).

for much of the material to be found in Luke's second volume. The attempt to discover the style and form of Acts through an analysis of the forms of the smaller units fails for various reasons. Its style is not uniform; as a literary type the book is unique in the New Testament; one cannot presume the mass of stories which the gospel tradition contained; it begins as a history but actually partakes more of a story-teller's art.[1] Convinced of the peculiar character of this second work of Luke Dibelius concluded that "we cannot, in the first place, consider this work from the aspect of 'Formgeschichte', but only from that of its style."[2] And the key to discovering the hand of the writer and thence to locate his style is to be found in the speeches in Acts. As Dibelius asserted:

> The safest way (of locating the literary endeavors of the writer) is to regard as Luke's work the speeches in Acts: since, for reasons concerning the history of tradition, they can hardly have been handed down and, considered from the literary angle, they have their parallels in the historians and, as regards content, they often enough express a later standpoint....The speeches, then, give us an idea of how Luke wrote when not bound to any source.[3]

This claim is no more evident than in the last chapters, i.e., from 21:17 on. The stories and "legends" of the first half of the book and the "itinerary" which forms the basis of the composition of

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[1]Martin Dibelius, "Style Criticism of the Book of Acts," Studies, pp. 1-25, et passim.

[2]Ibid., p. 4.

[3]Ibid., p. 3. Dibelius admits that "older formulae of a kerygmatic or liturgical nature are occasionally used" and that it cannot be denied "that records of actual speeches may have reached Luke" (op. cit., p. 3 and n. 4.).

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13:1-21:16 (with certain specified exceptions) do not reveal the author's "mastery over the tradition" to the extent permitted by the latter part of the book with its predominance of speeches and speech scenes.[1] It is clear to Dibelius that:

> several of these speeches quite obviously exercise no influence upon the progress of the action but are solely of an epideictic character....The speeches are thus really intended for the reader. We cannot know what accounts Luke had and applied in this part of his book, for, as they lie before us, the chapters in question are those marked by his own literary treatment.[2]

The full import of this programmatic essay of Dibelius was not realized immediately. His further studies on Acts were not known until after the second World War. Indeed, they did not appear in English until 1956.[3] But it would become clear in time that his work quite effectively ruled out "form-criticism" as a useful tool for the study of most of the material in Acts. At the same time his presentation of Luke as a creative writer in his own right, more obviously to be observed in the formation of the speeches than in the constructions and arrangement of the narrative materials, would in the future be recognized as preparing the way for redaction and theological criticism.[4]

But while Dibelius was continuing his studies in Acts, largely unknown by general New Testament scholarship, a sympathetic interest in the value of the speeches for understanding Luke was being generated elsewhere. Henry Cadbury, in his writings to be found in a

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[1] Ibid., pp. 5-7.

[2] Ibid., p. 7.

[3] See above, p. 3 n. 4.

[4] Haenchen, Acts, p. 41.

major production on Acts, The Beginnings of Christianity,[1] and in his own work, The Making of Luke-Acts,[2] on the basis of what he describes as "intensive study and comparison of the writings of the historians, especially Thucydides, Diodorus Siculus, Tacitus, and Livy," including the discussions of the principles of historiography by such literary figures as Dionysius of Halicarnassus and Polybius, concluded that "In Acts the elaborate, homogeneous and schematic speeches suggest, if not the rhetoric, at least the free composition of the speeches in Greek and Roman histories,..."[3]

Cadbury distinguishes between two types of material to be found in Luke-Acts. There are the popular forms and the literary forms. It is his view that the popular forms, such as the tales of wonder and miracle or "Wundererzählungen,"[4] the travel tales and novels known in the Gentile world, and the Jewish literary forms of midrash, homily, allegory and parable, are to be seen as having had their influence on the material, oral or written, largely before it came into Luke's hand. The writer to Theophilos demonstrates his own literary skills in terms of contemporary models of biography and historiography.[5] If we can generalize from Cadbury's remarks on the speeches (which after all take up a considerable portion of the

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[1]See above, p. 1 n. 1. [2]See above, p. 3 n. 3.

[3]Henry J. Cadbury, The Beginnings of Christianity, Vol. 2, pp. 8, 15.

[4]Henry J. Cadbury, The Making of Luke-Acts, p. 140-142. Cadbury refers us here to the work of R. Reitzenstein, Hellenistische Wundererzählungen (B. G. Teubner: Leipzig, 1906).

[5]Ibid., pp. 140-145.

composition of Acts), it seems clear that Luke is to be seen as modelling his work after that of the historians. After discussing the variations in the practices of Hellenistic historians, he states:

> In any case, more probable than the hypothesis of much direct recollection of words actually spoken is the surmise that the author has like other historians more or less successfully composed speeches suited to the speakers and occasions out of his own imagination.[1]

Luke, according to Cadbury, is not to be placed with the classical historians of his day who were following Atticist models, but is rather to be compared with Thucydides and other "best composers of speeches" who endeavored to "present what the speakers were likely to have said".[2]

Charles H. Dodd, the well known English scholar, was more cautious in his comparison of Luke with the ancient historians. He admits the possibility of "free composition" of the speeches but also sees indications of "considerable restraint" on the part of the author. In his off-side remarks on the speeches Dodd claims that the writer of Acts "apparently used to some extent the liberty which all ancient historians claimed (after the example of Thucydides), of composing speeches which are put into the mouth of the personages of the story".[3]

In 1942 another study of the speeches in Acts was published in English. In this essay F. F. Bruce argued that these addresses were

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[1] Ibid., p. 190.

[2] Henry J. Cadbury, "The Speeches in Acts," The Beginnings of Christianity, Vol. 5, pp. 426, 427. In this article Cadbury defends his claim that Luke composed the speeches, though not for "rhetorical" purposes.

[3] Charles H. Dodd, The Apostolic Preaching and its Developments, 2d ed. (New York: Harper and Brothers, 1944), pp. 17-18.

"not the inventions of the historian, but condensed accounts of speeches actually made,..."[1] But what is of primary interest to us in Bruce's work is that for the first time the speeches in Acts are seriously recognized in terms of their style and content. Heretofore, except for passing reference to the sermons or self-defense speeches in Acts,[2] the speeches had either been treated as a whole or handled in terms of the given speaker, i.e. the speeches of Peter, of Paul, of James, etc. Bruce divides the speeches into four groups, to which he gives the names of evangelistic, deliberative, apologetic and hortatory.[3] Except for the speech of Stephen, Bruce examines the defense speeches for elements which point to their being genuine summaries. Stephen's address is viewed as being in a form already established in the Jewish tradition with some similarity to the Apology of Socrates.[4]

The labors of Martin Dibelius in the area of Lukan studies have already been mentioned.[5] But it will be important for our investigation to scrutinize more closely the position of Dibelius relative to the speeches in Acts, and particularly the defense speeches.

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[1]Frederick F. Bruce, The Speeches in the Acts of the Apostles (London: The Tyndale Press, 1943), p. 27.

[2]Cadbury, The Making of Luke-Acts, pp. 145, 188.

[3]F. F. Bruce, op. cit., p. 6. It is strange that Haenchen, while noting that Bruce evidently was not influenced by the work of Dibelius, does not give him credit for a literary appreciation of the speeches at least in respect to their style and content if not to their composition (Haenchen, Acts, pp. 41, 42).

[4]Ibid., pp. 21-26. Bruce includes also the speech of Peter in the house of Cornelius as a defense or apologetic speech (pp. 22-23, n. 4).

[5]See above, pp. 24-26.

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In two essays,[1] among a number of articles appearing in the forties in which Dibelius worked out the implications of his earlier study on "Style Criticism of the Book of Acts",[2] the entire composition and especially the speeches are evaluated from a literary point of view. Dibelius held that Luke wanted "to write history rather than to relate stories", but the form of the tradition did not permit him the necessary freedom when writing the first volume. It is, however, in his framing of the tradition into one "continuous whole" and in his presentation of the meaning involved that Luke enters "the field of 'great' literature" with his second volume.[3] In harmony with ancient practices of writing history, Luke uses the speeches to reveal the meaning of the events and to present the typical.[4]

Dibelius' survey of the secondary works on the ancient Greek and Roman historians had convinced him that "The ancient historian was not aware of any obligation to reproduce only, or even preferably,

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[1]Martin Dibelius, "The First Christian Historian," and "The Speeches in Acts and Ancient Historiography," Studies, pp. 123-137 and 138-185. The latter treatise was written in 1944 and first appeared in Sitzungsberichte der Heidelberger Akademie der Wissenschaften, philosophisch-historische Klasse (Heidelberg: C. Winter, 1949).

[2]See above, p. 23 n 4.

[3]Dibelius, Studies, pp. 124, 125, 146.

[4]Ibid., pp. 132-138. Haenchen does not agree with Dibelius' claim that the intention was to present the typical. The speeches contain too much biographical material and do not stand as "loosely inserted" into the composition. For Haenchen the problems related to the speeches are not fully solved (Acts, pp. 40, 41).

the text of a speech which was actually made;..."[1] The speech was rather for the purpose of providing an insight into the situation, into the "meaning of the historical moment" or into "the character of the speaker". Even when the intent was merely to carry the action along, the direct speech was used rather than indirect speech or summary by the author.[2] It is understandable, then, that Dibelius would call for New Testament work on Acts to take seriously the comparative study of the speeches in Acts with the types of speeches recorded by the historians and to discover how these speeches functioned in the composition of the entire literary work.[3]

Such a literary critical study of the speeches, however, does not appear in Dibelius' work to the writer's knowledge. The defense speeches are not compared with such speeches in historical works. Rather, they are viewed as a "very effective apology of the new religion," presenting "clearly and repeatedly, the themes of Christian preaching," and how such themes may be used by the Christians of Luke's day in their own defense.[4] In his analysis of the Areopagus speech of Paul, Dibelius begins with an examination of its meaning which is based largely upon a study of its content, its theology, and rarely if ever are questions of form, style and composition introduced.[5]

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[1] Ibid., p. 105. From his own admission and from the sources quoted by Dibelius it is apparent that he has not researched the writings of the historians in question, though see n. 17, p. 144.

[2] Ibid., pp. 139, 140.

[3] Ibid., p. 145.

[4] Ibid., pp. 105, 134, 213.

[5] Dibelius, "Paul on the Areopagus," Studies, pp. 26-77.

Charles Talbert and Cheryl Exum have shown how a failure to appreciate the literary form and construction can lead (even Dibelius) to a misunderstanding of the purpose of a passage.[1]

We have already called the reader's attention to the viewpoint of Dibelius which takes Luke as a historian following the literary conventions as typified by Thucydides.[2] It therefore appears strange to the writer that Dibelius, in treating the 24 speeches he finds in Acts, does not treat them as types. And though he uses Thucydides as his model, he makes the majority of his critical remarks on the speeches in terms of what he finds in the writings of Sallust, Xenophon, Caesar, Lucian and others. In addition he points out that the defense speeches "differ fundamentally from that seen in ancient historial writings," without clarifying whether the ancient model is that of Thucydides or the later historians. The interruption "device" used by Luke to shorten the speech and call attention to the main point of the speech is also seen as "a technique peculiar to our author," except for one possible

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[1]Cheryl Exum and Charles Talbert, "The Structure of Paul's Speech to the Ephesian Elders (Acts 20: 18-35)," CBQ XXIX (April, 1967), pp. 233-236.

[2]Ibid., pp. 142, 152, 153, 165 (See above, p. 4, n. 1). Thucydides differs from Polybius in his (Thucydides') characterization of the situation rather than the persons, and refrains from rhetorical flourishes and drammatic presentations to be found in the later writers such as Dionysius of Halicarnassus, Sallust, Zenophon and Josephus (Ibid., pp. 142-144). Dibelius makes this claim despite the ambiguous statement made by Thucydides in respect to his own methodology (1. 22. 1, see below, p. 39) and the arguments that Dibelius himself makes for the first volume of Luke-Acts being non-literary work. His strongest reason for maintaining his view is the dedication given in the introduction or prologue to the work (Ibid., pp. 146, 147), which he felt indicated a literary reading public was anticipated. This interpretation of the dedication no longer is tenable in the opinion of a number of scholars. See above p. 12. n. 1.

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comparison to be found in Xenophon, a historian already rejected as a pattern. It is therefore difficult to suppress the feeling that Dibelius has engaged mostly in content criticism rather than style or literary criticism. If, as Dibelius asserts, Luke has employed "much that is his own individual style," and so much of what we find is not in type or in degree to be compared with the historians, on what basis does one locate this composition within a particular ancient literary tradition?[1] Even his contention that "one striking parallel" between the speeches in Acts and those to be found in the ancient historians is the insertion of speeches at crucial times in the history being recorded,[2] needs further study. Haenchen does not agree that the speeches are so "loosely" placed in their context as to suggest insertion.[3] Bertil Gärtner raised the pertinent question as to why such speeches are not found at all significant points in the history of the community if the writer used speeches for this purpose.[4] It therefore seems reasonable to this writer that if these problems exist when comparing the speeches of Acts with the practices of ancient

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[1] Ibid., pp. 150-165, et passim. Of course Dibelius does engage in a certain amount of style criticism but except for those elements seen as Luke's individual style (and therefore are not to be taken as accepted literary devices) there is hardly any advance over Cadbury (see The Making of Luke-Acts, pp. 155-209).

[2] Ibid., p. 175.

[3] Haenchen, Acts, p. 41. Haenchen argues that if Luke composed them we would expect them to fit nicely into the context as he holds they do.

[4] Bertil Gärtner, The Areopagus Speech and Natural Revelation trans. by Carolyn Hannay King from Acta Seminarii Neotestamentici Upsaliensis, XXI (Lund: C. W. K. Gleerup, 1955), pp. 28, 29. He refers specifically to the failure to provide a speech for the proconsul Gallio at the judgment seat in Corinth (Acts 18:14f).

historiography, and if Dibelius himself admitted that in certain speeches which portray their meaning through repetition and the emphasis of certain themes "the analogy of historical writing fails",[1] there remains still much work to do after Dibelius in the study of the speeches of Acts.

Several European scholars follow on the heels of Dibelius and illustrate what will become rather typical of modern interpreters of Acts. Philipp Vielhauer, Hans Conzelmann, Bertil Gärtner, Ernst Haenchen and Eduard Schweizer agree with Dibelius and Cadbury that the speeches in Acts were composed by the author.[2] But what is not agreed upon is the form and style of the speech when compared with contemporary writers and their speeches. It is this latter issue that becomes important not only for the question of historical reliability of the material but also for the correct understanding of the writer's intention for the work as a whole.

Vielhauer compares four theological themes to be found in the Pauline speeches in Acts with what Paul himself has written in his epistles and concludes that in Acts we have Lucan speeches and theology. The analysis is based on content without regard to the different types of speeches or their construction. Conzelmann, working with the Areopagus speech of Paul, interprets Luke as making

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[1]Dibelius, op. cit., p. 178.

[2]With the exception of Gärtner, the viewpoints of these theologians can be found, as least representatively, in the well-known collection of essays entitled Studies in Luke-Acts. See Philipp Vielhauer, "On the 'Paulinism' of Acts," pp. 33-50; Han Conzelmann, "The Address of Paul on the Areopagus," pp. 217-230; Ernst Haenchen, "The Book of Acts as Source Material for the History of Early Christianity," pp. 258-278; and Eduard Schweizer, "Concerning the Speeches in Acts," pp. 208-216.

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a theological interpretation of history. He assumes that Luke has inserted the speech after the manner of Thucydides but when it comes to the form of the speech itself, Conzelmann is not able to locate a pattern. Luke (contra Dibelius) is understood as having composed a "unique situation" rather than a typical or model sermon, to permit the "pedagogical value of history" to show through.[1] Bertil Gärtner, also concentrating on the Areopagus speech, finds difficulty with the desire of Dibelius to compare Luke's practices of inserting speeches with literary conventions of the day and his inability to locate contemporary speech forms.[2] The fact that Luke's style is not that of the rhetorical schools of his day, to which Dibelius would also agree, is in the opinion of Gärtner no reason to assume that there is no relation of their form and style to contemporary speeches or that Luke had no sources. Perhaps, according to Gärtner, we should view Luke's speeches as being on the more reserved side as is found in Maccabees.[3] Haenchen, being more interested in redaction criticism, does not give special attention to the speeches. He understands the series of apologies or defense speeches coupled with the trial scenes as Luke's literary method of maintaining interest in the hero after the hero has been put out of action before the story is to close.[4]

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[1]Conzelmann, in Studies in Luke-Acts. This understanding of the value of history is taken from the Hellenistic historian, Diodorus Siculus.

[2]Gärtner, op. cit., pp. 28, 29.

[3]Ibid., pp. 17, 18, 33.

[4]Haenchen, in Studies in Luke-Acts, pp. 275, 276. The problem with Haenchen's analysis is that though he calls for a literary study of Luke's work (see above, p. 1), he does not specifically locate a literary genre into which we can place Luke's composition for evaluation and comparison. For further elaboration on the defense speeches, see Haenchen, Acts, pp. 615-694.

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Eduard Schweizer, however, did push back to a degree the frontier of literary analysis in his study of the missionary speeches of Peter and Paul. Examining the structure of the speeches mainly, comparing the various elements of which the speeches were composed, Schweizer was able to conclude that the uniformity present confirmed the opinion held by many that the speeches are "basically compositions by the author of Acts".[1]

The "post-Dibelius" viewpoint on the speeches as held by Roman Catholic scholarship on the continent, to the degree that any one man may be seen as typical, is presented in the work of Alfred Wikenhauser. He maintained that Acts was written as a history, though not on a level with such historians as Thucydides, Polybius and Tacitus.[2] The speeches in Acts, are Lucan in composition but "they do summarize the principal ideas of the actual discourses". In fact Wikenhauser goes so far as to say in reference to the defence speeches that:

> The speeches in these chapters are artistic compositions and they show everywhere the stamp of Luke's style in form and language; they are intended to have a rhetorical effect, but

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[1]Eduard Schweizer, Studies in Luke-Acts, pp. 208, 214. John Townsend in his essay entitled "The Speeches in Acts" (ATR, XLII [April, 1960], pp. 150-159), came to the same conclusion but based his views on an analysis of the various speeches in Acts without regard to the nature of the discourse. Townsend finds similar viewpoints being expressed by the various supposed authors on a given theme, which is proof for him that Luke did not intend the speeches to reflect the position of the speaker but his own (p. 158). But he apparently is unable to see that his failure to find in Luke the debates and contrary positions among the speakers, elements common to classical historians, militates against his claim that Luke in his use of speeches "had the classical historians in mind" (p. 151).

[2]Alfred Wikenhauser, New Testament Introduction, trans. by Joseph Cunningham (New York: Herder and Herder, 1958), pp. 330, 331.

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> they are not inventions; rather they grow out of the situation, and are a faithful record, in essentials, of what was really said.[1]

The concern of Schweizer over the missionary speeches in Acts was furthered quite extensively in 1961 with the publication of the dissertation of Ulrich Wilckens.[2] In addition to the form[3] and tradition criticism to which Wilckens submits these speeches, he also applies redaction criticism in his study of the relation of the speech to its narrative framework. He is finally persuaded that the sermon-outline is built on a common pattern, however it is Luke's own outline and not the traditional sermon structure as maintained by Dibelius and Dodd. Wilckens further concludes that the theology portrayed in the sermons (especially the Christology) is also Lucan rather than traditional.[4] The speeches are closely interrelated to the narrative contexts in which they appear, thus providing additional evidence that they were composed by Luke.[5]

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[1] Ibid., pp. 338, 339.

[2] Ulrich Wilckens, Die Missionsreden der Apostelgeschichte: Form-und Traditionsgeschichtliche Untersuchungen (Neukirchen: Verlag der Buchhandlung des Erziehungsvereins, 1961). For a review of this work see J. Dupont, "Les Discours missionaries des Actes des Apôtres d'apres un ouvrage recent," RB LXIX (1962), pp. 37-60.

[3] By "form" is meant a study of the structural elements by which the speech is composed, such as the exordium, proclamation of the death of Jesus and the resurrection, Scriptural support, offer of salvation, call to repentence, etc.

[4] According to Wilckens, Luke understands the history of the church as continuing the life of Jesus. The traditional understanding of the saving efficacy of the cross is dropped in favor of a "subordinationist Christology" (pp. 110-186, et passim).

[5] Ibid., pp. 56-71. Haenchen (contra Dibelius) had already suggested this in his commentary (See above, p. 29, n. 2).

In the last decade virtually a plethera of literature has been published on Luke-Acts. No doubt much of the inspiration for this study has to be credited to three major works; the appearance of the collected essays of Dibelius, both in German (1951) and in English (1956), the redaction criticism of Luke by Hans Conzelmann, which introduced Luke as a theologian of some creative ability, and the following redactional study of Acts by Ernst Haenchen, which stressed Luke's literary achievement as a theologian.[1] Perhaps it would be fair to say that it was not the discovery of Luke as a writer and theologian that was so disturbing, for these aspects of Luke's contribution had been pointed out by Cadbury, Dibelius and others earlier. Nor was it troubling to hear again that Luke had composed the speeches.[2] It was rather the claim that literary and theological analysis had first priority and the thoroughness with which these scholars applied their methodologies to Luke-Acts that played havoc with the traditional viewpoint which understood Luke as a church historian.[3]

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[1]See above, pp. 3-8, where these works have been mentioned under the brief survey of major works on Acts.

[2]Pfleiderer had made this plain long before Dibelius. See above, p. 20.

[3]A typical expression of this opinion is to be found in Ernst Käsemann's collection of Essays on New Testament Themes, translated by W. J. Montague (London: SCM Press Ltd, 1964), where he writes: "It is unfortunate that the exegesis of Acts has treated the Lucan presentation of events as a narrative compiled from sources rather than as a composition of Luke the writer and theologian....We can only understand him as an historian, if we have first understood him as a theologian (pp. 147-148).

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In addition to the general works on Acts which have appeared recently,[1] and which our major interest does not leave room for treatment here, a number of studies have appeared which specifically deal with the speeches in Acts. In a short article on the question of comparing Luke's composition of speeches with the practice of Thycydides,[2] Glasson insists that if we take this classical historian as a model we must take seriously what he said about "adhering as closely as possible to the general sense of what was actually spoken."[3] If one wants to argue that Luke followed the system of "imaginative composing of speeches suitable to the occasion," the example of Livy is more appropriate.[4]

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[1]Among those which speak of the literary genre of Acts and therefore of some value for our literary study of the speeches are the following: M. D. Goulder, Type and History in Acts (London: S.P.C.K., 1964), who takes Acts not as "straight-forward history" but "typological history" and understands Luke to be arranging his materials to present a recapitulation of the life of Christ in the life of his church and his apostles (pp. 34, 110); A. Q. Morton and the late G. H. C. Macgregor, The Structure of Luke and Acts (New York: Harper and Row, 1965), who apply an intricate system of counting and measuring of lines and paragraphs to illuminate the structure of Acts (Like the work of Goulder, this approach has not received much favorable attention. In my opinion we should not be too hasty in our rejection of the numerical method, especially in view of the recent treatise on literary analysis and stichometry by Smit J. Sibinga [Literair Handwerk in Handelingen (Leiden: E. J. Brill, 1970)]); Bruce Manning Metzger, The New Testament its background, growth, and content (New York: Abingdon Press, 1965), pp. 176-178, who claims Luke produced in his speeches "literary masterpieces" in the interest of historiography (pp. 176-178); Erwin R. Goodenough, "The Perspective of Acts," Studies in Acts, pp. 51-58, who calls Acts a work of fiction, a "romance" written to quiet troublesome rumors about Paul. See also the previous discussion (pp. 13, 14) which involved literary judgments.

[2]Francis Glasson, "The Speeches in Acts and Thucydides," ExpT LXXVI (February, 1965), p. 165.

[3]Thucydides The Peloponnesian War 1. 22. 1.

[4]Glasson, op. cit., p. 165.

Bowker saw in certain speeches of Acts evidence of synagogue homily or sermon forms.[1]

Two articles appeared in 1968 on the defense speeches of Paul. Paul Schubert,[2] after making a "literary analysis" of the speeches in chapters 21-28,[3] concluded that these speeches contain the "capstone of his (Luke's) understanding of the earliest Christian proclamation as the Word of God--the βουλὴ τοῦ θεοῦ, the full climax of his theme being reached in the peroration of the Agrippa speech (26:22, 23).[4] Schubert sees the possibility of some dependence of Luke on Greek-hellenistic historigraphy and even on Thucydides, the classical model, but the difference he notices leads him to suggest that one look elsewhere for the pattern to Luke's particular use of speeches. For Luke incorporated the speeches into the story itself instead of using them only to highlight the meaning of some

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[1]J. W. Bowker, "Speeches in Acts: A Study in Proem and Yelammedenu Form," NTS XIV (1967), pp. 96-111. The proem homily form is built on the introductory text while the yelammedenu homily presupposes a request for instruction to which the rabbi responds (p. 99). Bowker based the major part of his study on the Antioch (chapter 13) and the council (Acts 15) speeches.

[2]Paul Schubert, "The Final Cycle of Speeches in the Book of Acts," JBL LXXXVII (March, 1968), pp. 1-16. This essay, forming the Presidential Address at the 1967 annual meeting of the Society of Biblical Literature, was a further development of a theme treated in a separate article, "The Place of the Areopagus Speech in the Composition of Acts," Transitions in Biblical Scholarship, ed. by J. Coert Rylaarsdam (Chicago: University of Chicago Press, 1968), pp. 235-261, where Schubert makes an analysis of the speeches which appear in Acts 1-20.

[3]By "literary analysis" the writer evidently means "the literary sequence of the major scenes of this narrative and in their contents," rather than the literary form, style and genre (p. 5).

[4]Schubert, op. cit., pp. 15, 16.

event or the power at work in the event.[1] Jacob Jervell[2] discusses the four apologetic discourses he finds in chapters 21-28, and their distinct form and content when compared to the other speeches in Acts. The presence of the first person personal pronoun is understood as evidence that these speeches are biographical in intention in contrast to the sermons used for mission or community purposes. The defense aspect is therefore seen as a personal defense of Paul and not of the Gentile mission, the message or the Church. It is a defense of Paul as a legitimate and faithful teacher in respect to Judaism.[3]

Though not limiting himself to the apologies of Paul, C. F. Evans has provided us with a very sensitive appreciation of the broader literary question in regard to the speeches in Acts.[4] He calls attention to the imprecision which he finds has often characterized the discussion of the speeches. In particular he notes the failure of such critics as Dibelius and Wilckens[5] to distinguish the use of the term "speech" to designate direct address (as contrasted to

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[1] Ibid., p. 16.

[2] Jacob Jervell, "Paulus--der Lehrer Israels," NovTest X (1968), pp. 164-190.

[3] Ibid., pp. 172, 173, 190.

[4] C. F. Evans, "'Speeches' in Acts," Mélanges Bibliques en hommage au R. P. Béda Rigaux, eds. Albert Descamps and R. P. André de Halleux (Duculot: Gembloux, 1970), pp. 287-302.

[5] Evans is concerned over the possible confusion which may result in the synonymous use of speech (Rede) and sermon (Predigten), as used by Dibelius (Studies in Acts, ch. 9) and Wilckens (Die Missionsreden der Apostelgeschichte). The two terms may deal with similar content but may also in respect to literary form and intention speak to different conceptions in the mind of the author in having his characters so speak (op. cit., pp. 287, 288).

narrative style) from its use as a particular form of address (as distinct from a "sermon"). Based upon certain rhetorical earmarks which Evans finds in the direct address present in Acts, he concludes that the "apostolic utterances,...fall better into place as speeches than as sermons."[1] If his contention that these are speeches in the technical sense is correct, Evans would also extend his analysis to the larger context, the entire composition, and place it within the genre of historiography, though on a level of Kleinliteratur.[2]

We conclude this survey of the literature on the speeches with a brief look at two scholars who give the addresses in Acts a special significance in their evaluation of the literary intention of the entire work. Howard Marshall is of the opinion that the speeches are only one of three elements in Acts which together point to its literary type.[3] He seems to hold that there is inconclusive evidence that Luke followed "Thucydidean verisimilitude" in his speeches. Rather, in terms of content, a more appropriate

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[1] Ibid., p. 301. Among such features are: the use of ἄνδρες followed a national distinction as the form of address; the presence of a captatio benevolentiae in a number of speeches; and the "fairly close knit argumentation" (pp. 291-297).

[2] Ibid., p. 302.

[3] I. Howard Marshall, Luke: Historian and Theologian (Exeter: The Paternoster Press, 1970). He also makes the point that historical romances may be recognized by their inaccurate portrayal of the historical background of the story, as illustrated by the Book of Judith in contrast to what is to be found in Acts (p. 69). A third factor to be considered is the general picture of the early church furnished by Luke and which, as far as it goes, is, according to Marshall, corraborated by the writings of Paul (pp. 73-75).

model might well be found in the literature of religious teaching.[1] Marshall appears to give more weight to the theological content of the speeches which he contends, despite Wilckens, is traditional enough to augur for being historically dependable.[2] Marshall should not be understood as claiming historicity for each speech. Rather he is arguing that in addition to regarding the speeches as insertions aimed at the "hearers" of the narrative, they should be viewed as appropriate to their "historical context," i.e. not only seen as providing evidence for Luke's theological concepts but also reflecting the practice of the primitive church.[3]

On the other side of the coin, Eckhard Plümacher,[4] on the basis of a comparison of the missionary speeches and dramatic episode style of Acts with the writings of Livy, has decided that Luke has followed practices quite common among the Hellenistic authors. In regard to the speeches, Luke is considered to have used the speeches

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[1] Ibid., pp. 72, 73. By religious literature Marshall is apparently stressing Luke's indebtedness to the Old Testament rather than that of Lucian and Philostratus whom he mentions in passing (pp. 55, 56).

[2] Marshall appeals to Wilckens' own admission of the presence of traditional material in Acts 14 and 17 and the more recent works of M. H. Scharlemann (Stephen: A Singular Saint [Rome: Pontifical Biblical Institute, 1968]) and Leonhard Goppelt, (Apostolic and Post-Apostolic Times trans. by Robert Guelich [London: Adam and Charles Black, 1970], pp. 36-41), as evidence that Luke is far more traditional in his theology and sermon outlines than has been recognized by those who rejected the conclusions of Dodd and Dibelius.

[3] Ibid., p. 73.

[4] Eckhard Plümacher, Lukas als hellenistischer Schriftsteller: Studien zur Apostelgeschichte (Göttingen: Vanderhoeck and Ruprecht, 1972).

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as history-shaping words, as speeches functioned in the writings of the Hellenistic historiographer. In addition, Luke's use of the language and style of the LXX in his speeches shows the same archaizing intentions which were so much a part of the classicistic writers. Plümacher explains:

> Schliesslich könnte auch für ein weiteres in den Missionsreden von Luk zum gleichen Zweck wie die LXX-Mimesis benutztes Stilmitte, die Archaisierung, eine Parallele aus dem Bereich hellenistischer Literatur, und zwar aus Liv, beigebracht werden.[1]

This borrowing or adoption of the literary conventions and forms of the secular literature of the Hellenistic age is explained by Plümacher as part of the adaptation to "this world" which took place when the new eschatology (as per Conzelmann)[2] had its effect on aesthetic interests of the early Christian community.

It seems reasonable to conclude from this survey of the relevant literature on Acts that literary evaluation of the entire composition has often (and largely) been based upon an estimation of the role of the speeches in Acts. It has also been shown that these speeches have not been subjected to a thorough literary analysis which takes into consideration the vital issues of contemporaneity, literary genre distinctions and the various speech forms. It would therefore naturally follow that any conclusions based upon such partial studies can hardly be taken as valid. It has been the recognition of this general weakness in most of the literary criticism of Acts which has led the writer to make a study of the defense speeches of Paul. To further highlight

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[1] Ibid., p. 78. [2] Ibid., pp. 79, 137-139.

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this problem and justify the direction of this investigation we turn now to a description of the present research project.

The Description of this Investigation

The Problem

The examination of the literature on Acts, especially in reference to the speeches in Acts, seems to this writer to have provided clear evidence that van Unnik has indeed located the weak link in the chain of Lucan studies when he calls for "thorough study" comparing Luke with the writers of his own times.[1]

There have been comparisons to be sure. And if the recent study of Plümacher is any harbinger, the future for discussion on Luke-Acts looks brighter. But even this fresh attempt to compare Luke with contemporary historians illustrates a number of critical issues which still need to be faced if one is to make a proper and thorough literary study of Luke. In the first place, Plümacher's treatise, like that of many interpreters of Acts, does not allow for the variation of writing styles to be found in the Hellenistic period.[2] To classify Luke in the

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[1]See above, p. ii. Professor van Unnik elaborates this appeal and in my opinion justifiably broadens it to include the entire spectrum of first century literature (instead of limiting it to the genre of historigraphy and the work of "well known" writers) in a more recent essay, "First Century A. D. Literary Culture and Early Christian Literature," NThT XXV (1971), pp. 28-43.

[2]Dionysius of Halicarnassus and Livy, both of whom according to Plümacher (pp. 78, 79) represent a tradition upon which Luke is dependent, were writers known for their artistical rhetorical style. It is no more correct to assume they are typical of hellenism than it is to suppose that Luke may be compared to Thucydides. Writing styles vary not only over the centuries but within centuries, and among contemporary writers of the same type of literature as well as between

classicistic or atticistic category of hellenistic writers is such a new departure in the history of the literary analysis of biblical literature, though in my estimation a welcome innovation,[1] that it

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differing forms of literature. The content, the genre, the writer's individual interest, his skill and the regional dialectical or social peculiarities are all factors which enter into the question. E. A. Barber ("Alexandrian Literature," Cambridge Ancient History, 12 vols. [Cambridge: The University Press, 1928], vol. 7, pp. 255-266), and F. H. Sanbach ("Greek Literature," Ibid., vol. 11 [1936] pp. 676-690), point out that literary variations existed within and between styles of Greek literature as the language patterns developed from classical times to the second century A. D. And this is apart from the question of Latin literature and its development to which Livy is a contributor.

Among the options to be considered is a "middle-type" prose category in which various types of literary genre found a home. Moses Hadas, the renowned classicist, in his treatment of the literature of the Roman period, makes the following provocative remark.

> Just as the elegant prose of Isocrates and the writers of the First Sophistic was accepted as a proper substitute for poetry in the fourth century B. C. so in the first centuries of our era poetry was supplanted as the accepted medium for belles lettres by the ornate prose introduced by the writers of the Second Sophistic and their forerunners. But before the Second Sophistic subjected Greek prose to its archaizing refinements, its utilitarian virtues were employed for a series of earnest and useful works. In the centuries after Alexander poetry, for all but its makers and its special audience, was frankly an ornamental decoration to life, with little relevance to life's substance. Prose was the medium for all that was utilitarian, intellectually or spiritually, whether for setting forth the results of investigation in mathematics or astronomy or medicine, in music or literature, in history or geography, or for providing earnest guidance for the lives of men (A History of Greek Literature [New York: Columbia University Press, 1950], p. 226).

Hadas does not class the New Testament literature within this prose tradition. But neither does he judge it as unliterary material directed to an uncultured reader audience. In respect to this variation within hellenistic writing styles see also below, p. 47, n. 1.

[1]This willingness to compare Luke favorably with the Hochliteratur tradition instead of the usual pejorative evaluation of all New Testament literature as Kleinliteratur, i.e. as unsophisticated and unliterary material suitable for a Volksbuch (See Amos Wilder, The Language of the Gospel (New York: Harper and Row, 1964, pp. 36, 44), may not turn Acts into an example of belles lettres. But hopefully, it may lead to an estimation of Luke as a writer in terms of the multiple options open to a hellenistic writer rather than limiting the

merits support only after the most careful scrutiny.[1] This caution seems also to be justified by the recollection that most comparisons of Luke have suffered from their partiality.[2] Secondly, Plümacher's

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literary figures to the style of Kunstprosa as defined by the classical scholars Franz Overbeck (Über die Anfänge der patristischen Literatur, Historische Zeitschrift XLVIII (1882), reprinted [Darmstadt: Wissenschaftliche Buchgesellschaft, 1966], pp. 16-37), Friedrich Blass (as quoted by Robert W. Funk in his translation and revision of Grammatik des neutestamentlichen Griechisch known as A Greek Grammar of the New Testament by F. Blass and A. Debrunner [Chicago: The University Press, 1961], pp. 256-257), Eduard Norden (Die antike Kunstprosa, II [Stutgart: B. G. Teubner, 1909], pp. 479ff.), and those who follow suit.

[1]It is one thing to speak of Luke as a Schriftsteller (cf. Franz Dornseiff, "Lukas der Schriftsteller" ZNW XXV [1936], pp. 129-154), but it is quite another to call Luke a "hellenistischer Schriftsteller," when your pattern is a writer of Livy's class, especially in the light of the well-entrenched designation of New Testament literature as Kleinliteratur written in the language of Volkssprache. Cadbury is well aware of certain atticistic elements in Acts but he is equally sure Luke is not of that style characteristically (The Making of Luke-Acts, pp. 114, 115). Bruce Metzger divides the Koine Greek of the Hellenistic period into "literary" and "unliterary" levels in his discussion of "The Language of the New Testament," The Interpreter's Bible, VII (New York: Abingdon-Cokesbury Press, 1951), pp. 43-59, but he clearly distinguishes between Luke, who was a "capable littérateur" and literary atticistic writers such as Dionysius of Halicarnassus (pp. 45, 47).

[2]This charge of partiality is actually based upon a number of criticisms. Judgments have been based upon limited analysis of Acts, i.e., only the speeches, selected speeches and narratives, style without grammar or form, etc.; attention is given to similarities without equal attention to dissimilarities; and the literary norms, whether writers or their conventions, are in the main taken from the well-known classical tradition. Yet studies do exist which point to a much broader background against which the literary portrait of Luke is to be painted. Jonas Palm, in his book Über Sprache und Stil des Diodoros von Sizilian (Lund: CWK Gleerup, 1955), makes a style-criticism analysis of a first century B.C. historian and concludes that though the rhetorical forms made popular by Geogias, the early Sophist and orator of the fifth century, are present in the writings, they are less frequent and more reserved. This writing style, also found in Polybius, a second century B.C. historian whom Diodorus is said to have copied stylistically, is designated by Palm as a "middle standard rhetoric" (p. 140). This Normalprosa, according to Palm, was a literary language but not an artistic production. Its

work, as so many others, assumes that Acts is a history, thus begging the fundamental question of a literary analysis--the genre. The legitimacy of the a priori assumption that Acts is historiography can hardly be sustained in the face of Conzelmann and others who find in Luke "elements of the style of Hellenistic historiography and the Hellenistic novel."[1] The importance of establishing the literary

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structure stands together, is clear and logical, and forms an appropriate literary vehicle for such practical purposes as government or science publication. A similar concern for what might be thought of as a"third level" of Koine is to be found in the work of another Scandanavian scholar, Lars Rydbeck (Fachprosa, vermeintliche Volkssprache und Neues Testament [Stockholm: Almgvist and Wiksell, 1967]), who makes a grammatical analysis of about twenty technical writers of the imperial period, such as scientists, medical writers, mathemathicians and philologians. He finds general grammatical agreement between the New Testament writers, the papyri of the vernacular speech type, the popular philosophical literature and that found in his analysis of the Fachprosa of technical writers. For a favorable review of Rydbeck's treatise see the review by G. D. Kilpatrick, JBL LXXXVIII (September, 1969), pp. 354, 356.

Frankly, it is a question worth considering to ask why New Testament scholarship has been so long in recognizing (If we can say it does so now!) the possibilities offered by comparisons with this "middle level" Greek, when Adolf Deissmann, whose studies in the papyri perhaps did the most to perpetuate the viewpoint that the New Testament Greek is unliterary, admitted that there existed many papyri texts of medical, legal and astrological writers which "have not yet been thoroughly examined, and will prove very productive" (Light from the Ancient East, trans. by Lionel R. M. Strachan [New York: Harper and Brothers, 1927], p. 78, n. 3).

[1]Hans Conzelmann, "Luke's Place in the Development of Early Christianity," Studies in Luke-Acts, p. 300. According to Conzelmann, this duality of style is also admitted by Haenchen who compares Luke's narrative style to that of Curtius Rufus in historiography and Achilles Tatius in romance (op. cit., p. 311, n. 36). See also above, p. 12. A third type of ancient literature poses a possible option as a literary category for a number of scholars who focus on the biographical nature of the material as well as the religious orientation of the content. This genre, which as far as this writer has been able to discover has escaped precise definition, is represented by Philostratus' Life of Apollonius of Tyana. See above, p. 8, n. 2. In addition to this religious biography and the associated biography as represented by Parallel Lives (Plutarch), Agricola (Tacitus) and Lives of the Caesars

genre is only underscored by the pregnant suggestion of Holger Thesleff that we may find the literary genre and the standing of the various writers as individuals to have been more effective as controlling factors in the evaluation of their work as literary productions than the literary level of the language represented in their material.[1] And, thirdly, a literary analysis should be carried out in the framework of an acute awareness of the historical context. On this point Plümacher, in contrast to so many others whose works we have reviewed, scores high with his use of Livy and Dionysius of Halicarnassus. But this sensitivity to the historical aspects involves more than the models used in the comparison,[2] it extends to the nomenclature and

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(Suetonius), there are what might be called the "sub-genre" of this type of literature. Dieter Giorgi lists the brief biography, the aretalogy, the long biography of the more character-oriented type and the long biography of the more aretalogical type ("The Records of Jesus in the Light of Ancient Accounts of Revered Men," 1972 Proceedings Vol. 2 (Society of Biblical Literature), p. 537).

[1]Thesleff makes the remark in his review of Rydbeck's work on Fachprosa (see above, pp. 47, 48, n. 2) in Gnomon XLII (October, 1970), pp. 551-555. Of interest in this respect is the report of Ehrhardt that he finds parallels to Luke's style not only in the Hellenistic novels and the historians like Appianus and Herodianus, but also in the scientific works as represented by the astrologer Vettius Valens (The Framework of the New Testament Stories [Manchester: Manchester University Press, 1964], p. 82).

[2]The issue of contemporaneousness within the genre is not stressed at this point because it has been either mentioned or alluded to before (see above, pp. ii, 11, 12) and has been emphasized by such interpreters as Bertil Gärtner (The Areopagus Speech and Natural Revelation, trans. by Carolyn Hannay King [Lund: CWK Gleerup, 1955], p. 17). Of course there remains the problem of differences between individual writers working within the same genre in the same period of history-a point made by Marshall (Luke: Historian and Theologian [Exeter: The Paternoster Press, 1970], p. 56) and Thesleff (see above).

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content of the literary forms and categories. What does Haenchen really mean when he speaks of "Luke's dramatic technique of scene-writing?" Are we any nearer an understanding when we are told that the narration does not reflect the "precision of a police-report," but neither are we to understand Acts as it stood was a "historical novel."[1] We know what Acts is not, in Luke's day and in ours. We do not know what Acts is, in either day! Sands would put it this way: Luke "combines the liveliness of the journalist or artistic writer with the fidelity of the historian." And since the last nine chapters reveal Luke's hand as a dramatist, we have through the combination a composition which carries "the interest of a novel."[2] Such comments maybe helpful by way of description, but they offer little help when it comes to classification of Luke within any known literary tradition.[3] Until Luke is understood in terms of his own times it would seem to this writer both premature and precipitous to categorize Luke in terms of modern categories.

The foregoing survey of certain weaknesses which have characterized the literary analyses of Acts has been included in this study as evidence in support of the contention of van Unnik, with

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[1]Haenchen, Acts, pp. 107, 110, 120.

[2]P. C. Sands, Literary Genius of the New Testament (Oxford: At the Clarendon Press, 1932), pp. 112, 114, 126.

[3]The history of a literary tradition is also a matter for careful study. Speaking of the biographical genre represented by Apollinius of Tyana, a work that post-dates Acts, R. P. C. Hanson in his review of Conzelmann's commentary on Acts (JThS N.S. XV [October, 1964], pp. 371-375) raises the question if Acts may not have influenced Philostratus, rather than vice versa.

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which this writer agrees, that fifty years after Dibelius' introductory study on the "Style Criticism of Acts" it still must be said that New Testament scholarship lacks a "thorough study" of Luke as a literary figure among the writers of his day. This problemmatic statement functions in this investigation as justification for the limited attempt of this study to deal with the defense speeches of Paul. But before closing the discussion of the general problem which stands behind this particular investigation, it might be appropriate to consider factors and/or points of view which have fostered previous research and contributed to the existence of the basic issue.

There appears to have been three areas in which the viewpoint of the investigator has been more crucial for a proper and thorough study of Acts than perhaps for any other New Testament composition. The theological, historical and literary methodological stance of the interpreter can be expected to play a larger role in the study when so much of the content of his position in these spheres is influenced by the very work he attempted to understand. Unlike the study of other New Testament literature,[1] the student of Acts has no companion work, within or without (?) the New Testament with which to compare Acts, and no other source to which appeal may be made for the corroboration of the record, ostensibly to be found in Acts, of the life and theology of the early Christian fellowship as it is reflected in the lives of certain of its heroes.[2]

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[1]Even the Apocalypse, though existing alone in the NT as an apocalyptic work, is not an exception to this claim in the light of its more easily definable literary character and OT counterpart.

[2]The few allusions to be found in the epistles of Paul, either of his own personal life or that of the early Christian community,

This poverty of external source materials,[1] which inhibits the student in his attempt to be objective in his analysis, forces one to hypothesize. In view of the fact that most of the interpreters of Acts are theologians, it is reasonable to conclude that such an interrogator of the text would most likely project only those historical reconstructions and literary analyses, the conclusions of which his theological orientation permits (or even necessitates!) and his knowledge of ancient history makes possible.[2] In support of this contention reference may be made to the harmony which exists between Conzelmann's understanding of Luke's theological interpretation of eschatology and Haenchen's literary evaluation of Luke as a writer. It is admitted that there existed an "uncommonly close tie in Luke between theology, historiography and literary prowess," and the theological understanding of Luke led this ancient Christian to become a historian and writer.[3] And sharing roughly the same theological view of Luke's eschatology, Plümacher supplies the literary

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are hardly enough to affirm (or disprove) the credibility of the account given in Acts.

[1]An obvious inference to be drawn from the extensive work of F. Jacoby, Fragmente der griechischen Historiker (Leiden: E. J. Brill, 1957-1958), and the more general work on Roman Literature by Wikelm Sigimund Teuffel (History of Roman Literature, revised by Ludwig Schwabe and trans. by George C. W. Warr, 2 vols. [London: George Bell and Sons, 1891, 1892]).

[2]This statement should not be pushed to the extent of excluding the reciprocal effects of study in these areas. But it is interesting to note that historians have generally given a more positive evaluation of Luke as a historian than have the theologians. Cf. Haenchen, Acts and A. N. Sherwin-White, Roman Society and Roman Law in the New Testament (Oxford: Clarendon Press, 1963).

[3]Haenchen, Acts, pp. 90, 99.

comparison which Haenchen assumed, taking the first chapter of his work to provide the theological framework in which the literary analysis may be accepted as viable.[1] For it is assumed, contrariwise, that a literary work,[2] especially a history of an eschatological movement, cannot be reasonably expected to have been produced by an individual or community expecting the parousia. A literary analysis that flows from or is held subject to an a priori theological judgment, especially when applied to such a singular work as Acts, will no doubt be limited in its scope, partial in its judgment and probably circular in its reasoning.

A similar predominance of the historical constructs over the literary criticism has also been a factor contributing to the major question under study. What do we know, apart from the literary record

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[1]For example: "Der Grund für die lukanischen Manipulationen dürfte in beiden Fällen derselbe gewesen sein: der Wunsch, Ereignisse der Geschichte des Christentums auch als Ereignisse der Weltgeschichte darstellen zu können (Plümacher, op. cit., pp. 24, 25)."

On the other side of the coin but arguing the same point is Paul S. Minear in "Christian Eschatology and Historical Methodology," Neutestamentliche Studien für Rudolf Bultmann (Berlin: Alfred Töpelmann, 1954), pp. 15-23, who writes:

> How can he (the historian) remain content with a historical methodology which implicitly embodies a sense of time which he recognizes to be false? Will he not be forced to recognize that the historiography reflected in the Pentateuch or in Acts is superior to that of Herodotus or Tacitus (p. 22)?

[2]A "literary work" has traditionally been interpreted as an artistic achievement which exists largely on the appeal of its own aesthetic (usually understood as rhetorical) character, i.e. "belle lettre." It is beyond the scope of this paper to deal with the theological implications of the study except in so far as a theological appreciation illuminates the nature of the problem, but it would be interesting to speculate on what the effect would be on theology, particularly early eschatology, if a literary level was discovered to have existed which was similar to that described above (pp. 45-47).

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of Acts, about the life and history of the primitive Christian community, the social and literary levels of its membership?[1] Dibelius, for example, viewed the history of Christianity in its early stages of development as consisting of "minor events which take place among unimportant people..."[2] Haenchen is of the opinion that Luke could never have been a Xenophon or Thucydides because he did not have "an adequate historical foundation" or "the right readers."[3] Ehrhardt seems to opt for Luke's evaluation as a more apt description when he speaks of these early happenings as not having "been done in a corner" (Acts 26:26),[4] and Cadbury seems to leave open the question as to whether such a positive judgment was likely the case or merely the point of view of the writer.[5]

A more subtle expression of this attempted lordship of historical criticism is to be found in its undeclared invasion of the domain of literary criticism. One such technique is to use a historical reconstruction of the event to illuminate the writer's literary skill in composition, without first establishing the accuracy of the historical construction or the nature of the

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[1]The remark of Paul in reference to the lowly estate of the members in Corinth (1 Cor. 1:26-29) is subject to its own literary analysis as noted by Hans Dieter Betz, Der Apostel Paulus und die sokratische Tradition (Tübingen: J. C. B. Mohr [Paul Siebeck], 1972), p. 97.

[2]Dibelius, Studies, p. 2. [3]Haenchen, Acts, p. 103.

[4]Arnold Ehrhardt, The Framework of the New Testament Stories, p. 65.

[5]Henry J. Cadbury, The Book of Acts in History (London: Adam and Charles Black, 1955), p. 43.

tradition which the writer may be reflecting.[1] Another method is to refer to literary analysis for the purpose of making historical judgments without providing the supporting evidence from assumed literary study.[2]

It is not at all clear to this writer that the various claims involving the historical reconstructions, whether in general of the primitive history of the Christian community or of specific events supposedly to have occurred in that history, can be maintained independent of Acts. It would therefore appear reasonable to expect that the literary study of Acts, however partial perforce it must be in respect to the entire composition, is of the first priority. And it seems to follow from the nature and extent of this New Testament work that such an approach be clearly distinguished from the theological and historical criticism that surely must follow, even though in the final analysis a certain amount of circular reasoning will no doubt be required. In support of this contention the words of Ulrich Wilckens are very appropriate.

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[1]An example may be found in Haenchen's treatment of the arrest of Paul (Acts 21:27-36), in which the literary method of Luke is clarified in terms of an historical reconstruction supplied by the interpreter. But strangely enough, what is given to Luke with the right hand is taken away with the left when Haenchen opines that "It is not as if Luke consciously used this artificial device (chains)--it was part of his talent to find artlessly such features of symbolic force" (Haenchen, Acts, p. 618). Emphasis mine.

[2]In Timothy D. Barnes' essay, "An Apostle on Trial," JThS N.S. XX (October, 1969), pp. 407-419, this apparent confusion of literary criticism with historical criticism (pp. 416, 417), is pointed out. Barnes questions denial of historicity to certain accounts (Studies p. 107) on the basis of parallels to be found in these descriptions when compared to nautical stories found in ancient historians and novelists.

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> A detailed literary analysis allows us to define historical questions ever so much more exactly. It must be granted, though, that in contemporary German research the historical questions are sadly neglected in favor of the theological ones.[1]

But it is not only these "foreign" elements which have hindered the achievement of a "thorough-going" literary study of Acts. A good share of the difficulty in accomplishing such a task must be laid at literary criticism's own door. For a discussion of this phase of the issue we turn now to the description of the approach to be taken by this investigation.

The Approach

The intention of this thesis is to make a literary analysis and comparison of the trial speeches of Paul in Acts and the defense speeches to be found in ancient historiography and romance. The purpose of the study is to examine the feasibility of an identification of the literary genre of Acts based upon formal literary considerations. Such an approach would appear to have the following advantages. It does not depend upon a pre-conceived historical reconstruction that loads the question in favor of either genre. It assumes the insertion of speeches as a common literary convention for both genres. And further, such a plan takes seriously the claim that the writer is most likely to reveal his hand in his speeches. Finally, it focuses on a literary form that is at once more readily comparable with ancient materials than a sermon or missionary speech and yet is

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[1] Ulrich Wilckens, "Interpreting Luke-Acts in a Period of Existential Theology," Studies in Luke-Acts, p. 77. The point to be emphasized here is that literary studies have been neglected in favor of historical and theological interests.

representative of a large enough portion of the entire composition to escape the charge of partiality to which so many studies have been liable.[1]

The particular methodology to be applied in this study in literary criticism[2] will be that of form criticism. By "form

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[1]It is of course recognized that no one study can cover the entire book of Acts and therefore any such research is partial in that it is incomplete. What is suggested here is that literary judgments on the entire work have been built upon the investigation of just one element, such as the prologue of Luke (J. Wijngaards, "Saint Luke's Prologue in the Light of Modern Research," Clergy Monthly XXXI (May and July, 1967), pp. 172-179, 251-258).

[2]The term "literary criticism" as used in this paper is not to be understood in the sense as defined by Klaus Koch in The Growth of the Biblical Tradition, trans. by S. M. Cupitt from the second edition (New York: Charles Scribner's Sons, 1969), p. 70: "Literary criticism is the analysis of biblical books from the standpoint of lack of continuity, duplications, inconsistencies and different linguistic usage, with the object of discovering what the individual writers and redactors contributed to a text, and also its time and place of origin." (Emphasis Koch's) It is more than source or redaction criticism. And continuities and consistencies are also important considerations for literary criticism.

Nor is the term to be taken as referring to the aesthetic and somewhat subjective approach of literary criticism from the viewpoint of literae humaniores, a conception dealt with by David Greenwood in "Rhetorical Criticism and Formgeschichte: Some Methodological Considerations," JBL LXXXIX (December, 1970), pp. 418-426.

Literary criticism in the present investigation is to be understood as trying to understand the biblical books by methods of approach and standards which can be useful in the study of other writings as well. It means treating the biblical materials "just like any other books" (William A. Beardslee, Literary Criticism of the New Testament (Philadelphia: Fortress Press, 1970), p. 3). As Henry Cadbury rightly insisted, the fact of canonicity "does not justify giving them (NT literature) special treatment from the standpoint of historical or literary criticism" ("Looking at the Gospels Backwards," Studia Evangelica II, Part I - The New Testament Scriptures, ed. Frank L. Cross Berlin: Akademie-Verlag, 1964 , p. 55.

The biblical material exists as written works, as literary compositions. Any judgment as to the literary nature of the content, whether literary in a classic sense or unliterary, can only follow as the conclusion of literary criticism. And if any part of the

criticism" we do not refer to the somewhat narrow understanding of Formgeschichte as used in Synoptic research, a method of enquiry so well known as to require no explanation here.[1] Our approach is

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material demands a peculiar kind of literary analysis, such as form criticism, style criticism or source criticism, such a requirement should rest on the results of normal literary studies. Special handling may be necessitated for certain portions of biblical literature on the same grounds as it may be required for other types of literature, i.e., by reason of the literary nature, form and function of the content.

[1]Traditionally, form criticism has concerned itself, for the most part, with the forms of the smaller literary units of the text which are understood to reflect the oral or unliterary stage of the tradition. The fundamental assumption of form criticism as so understood is that "the tradition consists of individual stories or groups of stories joined together in the Gospels by the work of editors;... (Rudolf Bultmann, The History of the Synoptic Tradition, trans. by John Marsh [New York: Harper and Row, 1963], p. 4)." Its interest in and comparison of the shape of the forms in literary composition is intended to illuminate the life-situation (Sitz im Leben) which called forth and preserved or modified the form, thereby offering the possibility of reconstructing the history of that element in the tradition. Perhaps a more correct English translation for Formgeschichte is "form-history."

Martin Dibelius shared with Bultmann this limited understanding of form criticism. For when he came to study the material in Acts he was forced to call his analysis of the content "style criticism," even though he dealt with such literary types as the itinerary source, lists of names, stories or legends and speeches. It was not merely the problem of identifying the traditional material from the work of the compiler. It was the greater task of justifying the motivation and sustaining the possibility of the preservation orally of such lengthy items in a tradition involving stories about the apostles, which proved an impossible burden for the presuppositions of form criticism, as he conceived the method, to bear (Dibelius, Studies, pp. 1-25 et passim). Sherman Johnson, apparently without knowledge of Dibelius' essay, attempted to apply form criticism, after the manner explicated in Dibelius' early work on the Gospels (Die Formgeschichte des Evangeliums, ET From Tradition to Gospel, trans. by Bertram Lee Woolf from the revised second edition [New York: Charles Scribner's Sons, n. d.]), to the book of Acts in his article, "A Proposed Form-Critical Treatment of Acts," ATR XXI (January, 1939), pp. 22-31. For additional discussion and evaluation of the form critical method as applied to Gospel research consult the brief study by Edgar V. McKnight, What is Form Criticism? (Philadelphia: Fortress Press, 1969), and the two essays on Form

more accurately reflected in the definition offered by Klaus Koch. "The use of words, the style and construction follow correspondingly varied principles, and all these must be considered before a text can be accurately interpreted. This is form criticism."[1] The particular emphasis of form criticism to be carried out in this investigation is perhaps better described as Gattungsforschung, one of three terms (along with Formgeschichte and Literaturgeschichte) used to designate the form critical studies of Hermann Gunkel.[2] This type or variation of form criticism has to do with research into literary types or forms. It is not limited to a study of the forms and their history from the point of view of their oral or even unliterary written stage. That Koch has indeed a broad conception of form criticism may be evidenced in his suggestion that literary criticism (by his definition limited to source criticism) is one of the branches of form criticism.[3]

Criticism, by Rudolf Bultmann and Karl Kundsin, trans. by Frederick C. Grant (New York: Harper and Brothers, 1962).

For arguments against Dibelius (and Haenchen) and the claims that the situation in the early Church militated against the formation of an apostolic tradition, see J. Jervell, "Zur Frage der Traditionsgrundlage der Apostelgeschichte," Stud Theol XIV (1962), pp. 25-41. Jervell maintains that the writings of Paul and of early Christianity reveal that the deeds of the apostles and the growth of the gospel had a place in the preaching (Rom. 1:8; 1 Thess. 1:8ff.; 2 Cor. 3:1-3; etc.).

[1]Klaus Koch, The Growth of the Biblical Tradition, trans. by S. M. Cupitt from the second edition (New York: Charles Scribner's Sons, 1969), p. 6.

[2]Ibid., p. 3.

[3]Ibid., p. 77. Koch, in describing form criticism, calls to his aid the remark of Gunkel (Die Schriften des A.T. in Auswahl übersetzt und erklärt, 2d ed. II, 2, pp. xxv f.) who claimed that "To study a writer without defining the literary types he uses is to start building a house without the roof (op. cit., p. 10)."

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The fundamental assumption of form criticism, however broadly or narrowly conceived, is that "in the ancient world the spoken and the written word kept far more closely to the established literary types than is usual today."[1] This emphasis on the conforming pressures of existing literary types should not be pushed to the logical extreme of making of the writers "wooden imitators" and their literary forms "stereotypes." In the words of Koch, "Form criticism does not, then, deny the originality of the individual but refuses to overrate 'creative' personalities," as did the early literary critical studies.[2]

Now if it is true, as the form critical method maintains, that the ancient "written word" as well as the oral tradition was rather bound by existing literary types, it stands to reason that form criticism should take serious interest in the literary context along with its traditional concern with the sociological. But methodological logic alone does not argue for such inclusion of literary analysis in form criticism. For if it is true that an examination of literary types "is indispensable for an accurate exegesis,"[3] the nature of the material demands that form critical studies include more than a treatment of small units of the oral tradition. After all, there is much in the biblical literature that either does not stem from an oral tradition or exists in a form too large for transmission orally.

It is therefore in this larger sense that the term "form criticism" is being used to describe the methodological approach of this

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[1] Ibid., p. 11.

[2] Ibid., pp. 13, 72. See also the comment on rhetorical criticism, p. 61, n. 2.

[3] Ibid., p. 13.

paper. Since one literary form or type is the "speech" form (Redeform), and the subject of this research is the defense speeches of Paul in Acts, these speeches become eligible for a form critical analysis, according to this broader understanding of the method, even though the literary units are not small and their appearance in Acts is not generally credited to tradition,[1] regardless of the claims for the existence of traditional elements within the speeches. Though in part the approach of this work will appear to reflect the concerns of a relatively new method of literary criticism, i.e. rhetorical criticism, the overall interest is in my opinion more aptly to be described as form critical, despite my personal sympathy with this budding science.[2] The reader is reminded, however, that by "form criticism" we mean Gattungsforschung and not Formgeschichte (as form-history).

The word "form" has been used by literary critics to refer to all "levels" of literary units, from the smallest logion (saying)

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[1]Luke admits as much in respect to Peter's speech at Pentecost (ch. 2:40), and there is no reason to deny the same possibility to the other speeches. Even to claim that we have condensation of the speech is to admit that the form is the writer's.

[2]James Muilenburg ("Form Criticism and Beyond," JBL LXXXVIII [March, 1969], pp. 1-18), a pioneer in the technique of rhetorical analysis and one of my former professors, distinguishes between form criticism, described by him as Gattungsforschung, and rhetorical criticism. Both methods have to do with the literary type or form. But where as form criticism is concerned with "what is common to all the representatives of a genre, and therefore applies an external measure to the individual pericopes," rhetorical criticism treats the particular form and style of the genre as found in a particular passage of text where "the particular formulation of the pericope with the content...makes it the distinctive composition that it is." (Op. cit., p. 5) For further discussion of this new method in literary criticism see David Greenwood, "Rhetorical Criticism and Formgeschichte: Some Methodological Considerations," JBL LXXXIX (December, 1970), pp. 418-426.

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of the gospel tradition to the form of an entire literary composition, such as a Gospel, Acts or Apocalypse.[1] In this investigation, the term "form" will be used to designate the shape, pattern or mode of the smaller literary unit which in our case will be the speech form. The entire composition, though not under study in this research, is understood as subject to classification within the various types of writings known or produced at the time our work was written. These general types of writings are to be referred to as "genre"[2] and include such categories as biography, historiography, romance, wisdom literature, etc. The fact that differences exist between what we find in the Gospels (for example) and (let us say) biography need not lead us to a priori assume we have a different genre. If there are enough similarities to defend a claim for commonality of genre, the differences may be explained on the same basis as that which we

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[1]The former use is common to form critical studies. The latter use, though not limited to the broad connotation, is used by Amos Wilder (Language of the Gospel [New York: Harper and Row, 1964], pp. 44, 45) and others, who follow the lead of Franz Overbeck ("Über die Anfänge der patristischen Literatur," Historische Zeitschrift 48 [1882], p. 432 Darmstadt reprint, p. 23), who insist that the early Christian writings were "sub-literature" and cannot be compared with existing literary forms. This viewpoint, seriously questioned by van Unnik in his review of Wilder's book (Theo. Today, XXI [October, 1964], pp. 382-384), is rejected because the comparative norms were limited to the "sophisticated and artistic" Greek works (Wilder, op. cit., p. 44), a restriction which our previous study has shown to be in need of serious qualification if not rejected (see above, pp. 46-48).

[2]The word "genre" or "type" is used variously by different scholars. Though it has been used to refer to smaller literary units (see J. P. Audet, "Literary Forms and Contents of a Normal Εὐχαριστία in the First Century," Studia Evangelica, International Congress on the Four Gospels, Oxford, 1957, eds. Kurt Aland, F. L. Cross, et alii [Berlin: Akademie-Verlag, 1959], pp. 643-662), it is the impression of the writer that it is more often used to designate a general type of literature by which an entire composition is classified.

apply to the dissimilarities to be found among (for example) ancient biographies.[1] If we cannot assume the biblical writers were imitating known models for writing entire compositions then by parity of reasoning it would seem logical to conclude they did not immitate the patterns for the smaller literary forms. It is for this very reason and upon this particular assumption that this investigation is made. As a first step in locating the genre of Acts we are treating the genres of historiography and romance, the two types appearing most often in our review of the literature on Acts.[2]

The speech form is easily recognized from the presence of oratio recta (direct speech), the use of the first person, the length of the utterance, the opening address to the audience and the writer's introductory statement. What concerns us is the particular type-form into which a speech has been cast, the individual type being arbitarily indicated in this paper as a Gattung.[3] Among the various Gattungen or types of speech forms, such as the sermon or homily, testament, covenant, etc., the question may be legitimately

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[1]See above, pp. 48, 49, n. 1. The problem of dissimilarities within literary works of the same genre, seemingly, is analogous to what is found in form critical research. Perhaps the extension of the method of rhetorical criticism (see above, p. 61, n. 2) to include the analysis of the entire composition would prove to be a fruitful approach.

[2]Some attention will be given to biography, but too many questions still exist on relation of such "religious biography" as Apollonius of Tyana to such biographies as Plutarch's Lives and the affinity these have with historiography for any definitive treatment to be given them in this study.

[3]The term Gattung, having the same meaning in German as does genre in French, is used accordingly to refer either to the various types of forms, the various types of one form (as in this paper), or the various types of literature in general.

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raised as to the existence of a defense speech (ἀπολογία) Gattung. If such a type of speech existed in ancient literature and if the assumption is correct that the biblical writers imitated these forms, it would be reasonable to conclude that parallels in form between such defense speeches would be some indication of a similarity in genres.

The speeches attributed to Paul in connection with his trials, according to the writer's knowledge, have never been analyzed in terms of their literary forms, even though they have been designated as "apologetic"[1] or referred to as "trial speeches."[2] Neither of these terms is adequate without further qualification. A "trial speech" could as well point to a speech of accusation as in the example of Tertullus (ch. 24:2-8). And the ancient literary form of ἀπολογία had many functions in ancient times. In fact it may easily be argued that ἀπολογία formed a genre.[3] These must be distinguished from our particular concern to deal with the apology as a speech in defense of one of the chief characters being treated in

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[1]F. F. Bruce, The Speeches in the Acts of the Apostles (London: The Tyndale Press, 1942), pp. 21-26. See also C. F. Evans, "'Speeches' in Acts," Mélanges Bibliques en hommage au R. P. Béda Rigaux, eds. Albert Descamps and R. P. André de Halleux (Duculot: Gembloux 1970), p. 288.

[2]Paul Schubert, "The Final Cycle of Speeches in the Book of Acts," JBL LXXXVII (March, 1968), p. 12.

[3]The ἀπολογία as a literary type existed in a number of forms as well as functions in ancient times. Werner Jaeger (Paideia: The Ideals of Greek Culture, III, trans. by Gilbert Highet [New York: Oxford University Press, 1944], pp. 132, 133) speaks of the formal speeches such as the Antidosis of Isocrates, in which are blended self-defense, autobiography and forensic oratory. The defense speech, as one type of forensic speech, was eloquently demonstrated in the rhetoric of Demosthenes (in his famous oration In Defence of Ctesiphon-generally known as On the Crown), Cicero, et alii. Plato, the first to turn a speech of,

a narrative composition generally recognized (or so assumed by this investigation) by literary form and content to be either an example of historiography or romance.

Since no formal studies have been located which treat the defense speeches in Acts our first task will be to examine such speeches as they may occur in the two genres to which we have limited our investigation, noting the various elements which together establish the shape of the ἀπολογία Gattung. Morton Smith[1] and Peter Borgen[2] have provided some direction for our comparative analysis in their treatment of the sermon or homily speech Gattung. These critics were able to recognize the presence of certain formulae, structural affinities and patterns of relationship between the content

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defense into a literary form, produced an Apology in which a man defends his work (πρᾶγμα) and in so doing makes a confession of faith (Jaeger, op. cit., p. 133). The Christians soon took to producing their own Apologies, such as the Apology of Aristides, presented to the Emperor Hadrian in 125 A.D. and, according to Jerome, later imitated by Justin Martyr in his Apology (Nicene and Post-Nicene Fathers, VI, p. 150). Then there were the defense speeches of men like Antiphon Andocides, the first of the λογογράφοι, who had a school for rhetors training for the courts or assembly and who composed speeches for others to deliver (Minor Attic Orators, I, pp. 2, 3). The Apology was also used in Declamatio, a technical term for a form of rhetorical training which the advocates underwent as part of their preparation for public service in the courts but which earlier (2nd and 3rd century B.C.) was a part of the normal study of a rhetorical school. According to Christian James Fordyce (Oxford Classical Dictionary [Oxford: At the Clarendon Press, 1970], p. 316), Declamatio, in which the Apology played a role, became an art form after the time of Cicero and was enjoyed for its own sake.

[1]Morton Smith, Tannaitic Parallels to the Gospels, Journal of Biblical Literature Monograph Series, VI (Philadelphia: Society of Biblical Literature, 1951), pp. 78-114.

[2]Peder Johan Borgen, Bread from Heaven, Supplement to Novum Testamentum, X (Leiden: E. J. Brill, 1965), pp. 28-98.

of the different parts of the literary unit which enabled them to form certain conclusions as to the existence of Jewish homily patterns. We will be asking similar types of questions from the defense speech form.

It should be made clear at this juncture that while this investigation will have to deal with matters of content, the subject matter of the speech is not to be considered for the sake of the ideas or facts themselves, i.e. in the interest of theology or historicity. It does not matter for our purposes what the theology is, how it agrees with the theology of Paul according to his epistles, or whether (for example) the accounts of his conversion can be made to agree. These issues may be better dealt with after literary criticism has drawn the guidelines for such study.

The approach to the content to be taken by this paper has to be understood as an integral part of the form analysis not in place of form criticism as Easton and Taylor faulted some applications of Formgeschichte.[1] Our interest in the content will serve such purposes as indicating relationships between parts of the speech and confirming the identification of the sub-units in the composition. For example, it is not only the presence of the vocative case, a form of address, and the position of the words at the beginning of the speech, but also

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[1]Burton Scott Easton (The Gospel before the Gospels [New York: Charles Scribner's Sons, 1928], p. 74), with support from Vincent Taylor (The Formation of the Gospel Tradition [London: MacMillan and Company, 1933], p. 31), objected to form criticism's classification (i.e. Bultmann's) of certain "logia" into different forms when their only distinction was content. For further discussion of the problem see Morton Smith's explanation of his own approach (Op. cit., pp. 78, 79).

the content of the words as words of address that together identify Paul's remarks, "Ἄνδρες ἀδελφοὶ καὶ πατέρες," (Acts 22:1), as part of the introduction to the speech. The fact that we are dealing with larger literary units should make it easier to recognize formal elements without a crucial dependence upon content.

It is to be admitted that the close association of form and content in literary analysis is a knotty problem. One could raise the question as to the legitimacy of comparing a sermon in Acts to a general's speech to his troops before battle, perhaps the closest parallel to be found in the genre of historigraphy. But the possibility of such a comparison should not be ruled out arbitrarily. One of the reasons behind the choice to study the defense speeches in Acts was to avoid as far as possible the premature encroachment of the content (in our case theology) into the area of form criticism. It has seemed reasonable to assume that regardless of the nature of the accusation and defense, a Christian would follow normal court procedure. Therefore, it seems unlikely that Luke would be forced, by reason of the content, to alter the form of his composition which presents such defense speeches. If, as form criticism claims, these ancient biblical writers were tied rather closely to existing literary forms, the similarities of form should be as obvious (if not more so) in a defense speech as in any other Gattung.

As a final comment concerning the approach taken by this investigation, which is intended to be a study in Gattungsforschung, the reader is reminded that style critical judgments should not be allowed to prejudice or impinge upon the form critical evaluation.

The fact that certain style critics have concluded that Acts represents a certain genre, or no genre, does not make our investigation redundant or impossible. It should be apparent from our survey of the literature that the style criticisms of Dibelius, Plümacher and Wilder have been inconclusive.[1] Suitable criteria for stylistic analysis have not been established; the relation of content to style has not been determined and particular interpretations of the content have been allowed to condition the evaluation of style.

Style criticism, of course, is not to be entirely omitted from a form critical analysis since a particular use of words, a mode of expression or construction of a sentence will have its effect on the determination of a literary form. What is to be set aside as irrelevant for this investigation is a style criticism which has to do with figures of speech, personal stylistic elements such as Morgenthaler noted in his study of Luke's propensity for

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[1]Our previous discussion revealed Dibelius' choice of the genre of historiography in Thucydides' straight-forward classical style, and Plümacher's option to pattern Acts after the classicistic style of Livy and Dionysius of Halicarnassus, but Wilder rejects both points of view. He asserts:

> But "Luke" no more than the others writes biography or history as we find it in ancient lives (vita) or memorabilia (apomnemoneumata) or histories. In none of them is there any description of the appearance of the actors, or any attempt to cover the entire life-span of Jesus, least of all his psychology or the motives of his actions. The classical writers stood above their material as artists portraying their subjects for the book-trade, while our evangelists are devoutly ordering for local believers the testimonies provided for them by tradition not as a biography but as the cult-story of faith (Language of the Gospel [New York: Harper and Row, 1964], pp. 38, 39).

dualism,[1] and stylistic features of the work as a whole. Since the assumption of form criticism does not deny to the writer some room for the expression of his own creativity, the possibility exists that part of a writer's style is to be found in his intentional breaking of some pattern in the overall form of the literary unit. Further development and use of the rhetorical critical method, as called for by Professor Muilenburg,[2] in its application to literary units within the composition, will likely provide some useful recommendations for style criticism.

The Organization

Having reviewed the pertinent literature on the defense speeches of Paul in Acts, discussed the general nature of the problem and delimited the particular approach and scope of this investigation, there remains only in this introduction a brief description of the main course of the research.

Three chapters of this dissertation will be given to a study of the defense speech form as it may be detected in the ancient writings. Chapter two will treat the defense speech as it is to be found in the genre of historiography. Chapter three will analyze this same literary form as it may be recognized in romance literature. The defense speeches of Paul as presented

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[1]Robert Morgenthaler, Das Zweiheitsgesetz im lukanishen Werke, Eine stilkritische Untersuchung (Zürich: Zwingli-Verlag, 1949). See also Klaus Koch, op. cit., pp. 15, 16.

[2]See above, p. 61, n. 2.

by Luke in Acts 22-26 will occupy the fourth chapter. The investigation will conclude with a comparison of the speeches of Paul with those found in the two categories which have been selected from those genres of ancient literature known to us. Included in this last section will be some suggestions for classifying the literary type of the composition of Acts.

The study of ancient methods of writing history and romance will not deal with the genre themselves, the historical development of the literary type or the use of other speeches within the type. Neither will it be our concern to discuss the historical accountability of the inserted or composed speech or even the nature of ancient trials and the rules governing ancient jurispudence. Issues such as these, no matter how critical they may be for the evaluation of Acts as being a historical reliable work or how important their implications for our knowledge of the history and theology of the primitive church, must not be allowed to precede or prejudice the literary analysis against which such questions must necessarily be raised.

The general areas of historiography and romance literature will be divided into three sub-divisions. The separation of the literature into Greek, Roman and Jewish categories is a convenient way to approach the ancient writings and is also suggestive of the linguistic and cultural differences which could account for some differences in forms. In view of the syncretism of the times and the multiple factors which influence writing standards and literary patterns, such as a writer's education, geographical location, dialectical

tendencies and personal skill, such classifications cannot be taken at face value as self-explanatory for any variations which might be found. We have chosen not to distinguish between "Palestinian" and "Hellenistic" Judaism. According to Knox, the Jewish element is the decisive factor. The influence of the Torah or that of Hellenism is not correlative to geographical location.[1]

As a final notation in this introduction to this investigation on the defense speeches of Paul in Acts, the reader is reminded that the defense speeches do not include the speech of Paul on the Aeropagus[2] or the speeches of Stephen (Acts 7) and Peter and John (Acts 4, 5), which are presented by Luke as given in the context of court proceedings by the Sanhedrin.

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[1]Wilfred L. Knox, Some Hellenistic Elements in Primitive Christianity (London: Oxford University Press, 1944), p. 2.

[2]Though arguments have been given for interpreting Acts 17 and the Aeropagus speech as a trial speech by Lake and Cadbury (Beginnings of Christianity, IV, p. 213), Evans ("'Speeches' in Acts," Mélanges Bibliques en hommage au R. P. Béda Rigaux, eds. Albert Descamps and R. P. André de Halleux [Duculot: Gembloux, 1969], pp. 203, 294), and especially by Timothy Barnes ("An Apostle on Trial," JThS N.S. XX [October, 1969], pp. 407-419), the absence of a clear reference to a trial and the variation in form from that of the trial speeches to be treated in Acts 22-26 (see below, Chapter IV) argue for its omission here. Additional support for its exclusion as part of our concern may be found in Norden's form critical study of this speech. He concluded that this address was a typical utterance "zum Zwecke religiöser Propaganda" (Agnostos Theos, p. 113). For the contention that Acts 17 has to do with an informal inquiry by the Areopagus court see Bertil Gärtner, The Areopagus Speech and Natural Revelation, pp. 52-65.

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II. THE DEFENSE SPEECH IN ANCIENT HISTORIOGRAPHY

Since the majority of the interpreters of Acts have understood the composition to be a work of history, however the writer may have imposed his personality upon the production in terms of style and intention, it seems appropriate to begin our literary comparison with the defense speeches as they may be found in ancient historiography. Our task in this part of the study is to locate and establish the form of the defense speech Gattung as it appears in historical writings from the first century of our era.

Before entering upon our analysis there are two points to be made clear. First, it should be recognized that no conscious selectivity has determined our comparative sources. The limitation has been determined by the paucity of extant materials from the historians of the Hellenistic age primarily, and only secondarily is such slimness of material due to the failure to locate such materials as may exist or to the natural limitation as necessitated by the purposes of this investigation.[1] Secondly, it must be understood that the writers of antiquity did not define historiography as narrowly as is done today.

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[1]The fragmentary state of the primary material from the ancient historiographers is well known. Cf. Felix Jacoby, Die Fragmente der Griechischen Historiker, 3 vols. (Leiden: E. J. Brill, 1961), G. T. Griffith, "The Greek Historians," Fifty Years (and Twelve) of Classical Scholarship (Oxford: Basil Blackwell, 1968), pp. 198, 199; Teuffel's History of Roman Literature, revised by Ludwig Schwabe and trans. by Geroge C. W. Warr, Vol. II (London: George Bell and Sons, 1892) et alii.

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There are a number of reasons why the concept of history writing was so much broader in the days of Luke as compared to ours. No doubt this difference is partially to be explained by the development which has taken place in the self-conscious study of historiography as a science.[1] But additional factors must be considered as influencing this extension of the borders of historiography. The writing of history, following on the heels of epic poetry and the art forms of tragedy and comedy, was viewed as another of the literary arts.[2] Its affinity with rhetoric was further enhanced by the contemporary development of oratory, where the arts of persuasion were used by rhetors or orators to change the course of history, whether in the court or in

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[1]There is no little dispute over the degree of confidence which can safely be placed in the historical accuracy of the accounts of these ancient writers. Ulrich von Wilamowitz-Moellendorff (Greek Historical Writing, trans. by Gilbert Murray [Oxford: Clarendon Press, 1908]) dismissed the historical criticisms of Polybius and Lucian as "banal" (emphasis his) and viewed the historians as little more dependable than the ancient novelists (pp. 15, 23). On the other hand, F. W. Walbank (Speeches in Greek Historians [Oxford: B. H. Blackwell, n. d.]) in his judgment of Thucydides and Polybius is much more optimistic in his opinion of their credibility, a viewpoint also shared by A. N. Sherwin-White, Roman Society and Roman Law in the New Testament (Oxford: Clarendon Press, 1963), p. 187. For further discussion of this issue and the related question on the purpose of ancient historiography consult the following: J. P. V. D. Balsdon, "Some Questions about Historical Writing in the Second Century B.C.," CQ XLVII (1953), pp. 158-164; Dibelius, Studies, pp. 138-145; A. W. Gomme, The Greek Attitude to Poetry and History (Berkeley: University of California Press, 1954); H. D. F. Kitto, Poiesis (Berkeley: University of California Press, 1966); A. W. Mosley, "Historical Reporting in the Ancient World," NTS XII (1965-1966), pp. 10-26; Tenney Frank, Life and Literature in the Roman Republic (Berkeley: University of California Press, 1930), and F. W. Walbank, "Polybius, Philinas and the First Punic War" CQ XXXIX (1945), pp. 1-18.

[2]Christopher Turner, "History," Greek and Latin Literature, ed. by John Higginbotham (London: Methuen and Company, 1969), p. 323.

the assembly.[1] But this tendency to confuse historiography with other literary genres, such as the novel[2] or the compositions of orations for rhetorical study or public reader interest,[3] is attributed largely to matters of style, intent and (in part) content,[4]

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[1]Among those sources considered for the study of ancient historiography the following were found useful for a general survey of the ancient literature: Cambridge Ancient History, 12 vols. (Cambridge: The University Press, 1923-1939), and two works by Moses Hadas, A History of Greek Literature (New York: Columbia University Press, 1950), and A History of Latin Literature (New York: Columbia University Press, 1952).

All quotations from or references to the classical authors are taken from the Loeb Classical Library editions unless otherwise indicated.

[2]The kinship between the novel and history will be treated in Chapter III.

[3]In addition to the natural temptation of the historian to model his work, especially his speeches, after the manner of the popular orators, this affinity of historiography and oratory was enhanced by the dependence of the rhetors upon history. The orators needed the factual knowledge (Cicero De oratore 1, 5. 16-18; Orator 34. 120) as well as the ideas (Quintillian Institutes 12. 1. 25; 2. 31, 4. 1, 2) which the study of history had to offer. This interest in history led many orators or rhetoricians to become historians. Servilius Nonianus and Q. Curtius Rufus, historians under Claudius, were trained as rhetoricians (Teuffel, History of Roman Literature, II, pp. 52, 54) and Tacitus, according to Turner (op. cit., pp. 308, 309), had attempted to become another Cicero before he turned his hand to history.

This close association of historical composition and oratory had a disastrous effect upon historiography under the influence of the neo-Sophists of the Hellenistic period. When rhetoric came to be used as strictly an art form, existing for itself and functioning as entertainment, it led the writers of history to surrender their concern for reality and meaning to the appeal for an emotional response from their readers (Nancy S. Struever, The Language of History in the Renaissance [Princeton: Princeton University Press, 1970], p. 24).

[4]Even though Cicero conceived of history writing as one expression of rhetorical art, he took pains to distinguish between the style of historiography and that of oratory. A historical work, according to this ancient critic,

> ...involves a narrative in an ornate style, with here and there a description of a country or a battle. It has also occasional

all of which are outside the limits of this investigation which has to do with form. What is to be recognized is that the survival of the historians in the midst of these pressures from associated literary forms and the very criticisms of the weaknesses of some of their productions, argues for the independent existence of the genre of historiography, however broad its literary boundaries at times reached. The fact that Polybius could overcome the literary excesses of his day,[1] even as Thucydides and Herodotus were "far removed" from the affected writings of their contemporaries, Isocrates and Gorgias,[2] should warn

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harangues and speeches of exhortation. But the aim is a smooth and flowing style, not the terse and vigorous language of the orator (Orator 20. 66).

Polybius (xii. 25.1), Cicero and Lucian (How to Write History, pp. 50, 53), insisted that a historian does not have the freedom to play with content after the manner of the orators of their times, though Lucian also wrote that it was proper for the historian to "play the orator" when it involved speeches (op. cit., 58). In one of the dialogues of Brutus, Cicero has Atticus differenciate between the writing of history and that of oratory where "the privilege is conceded to rhetoricians to distort history in order to give more point to their narrative" (Brutus 11. 42).

A further distinction, illuminated through style, is to be found in the intent of the writing. The orator desires to delight and move the listener (or reader) by appealing to such emotions as fear and pathos (Cicero, op. cit., 21. 82; 49. 185). The historian has other concerns. As Cicero further explains:

> Furthermore, what Greek rhetorician ever took any examples from Thucydides? Every one praises him, I grant, but as an intelligent, serious and dignified commentator on events, --one to describe wars in history, not to handle cases in law-courts (Orator 9. 31).

[1]Tenney Frank, Life and Literature in the Roman Republic, pp. 182, 183.

[2]Cicero, Orator, 12. 39. Cf. Teuffel (History of Roman Literature, II pp. 22, 23), who comments that at the same time that Paterculus is writing with the flourishes of rhetoric, A. Cornelius Celsus is writing on medicine, philosophy, oratory and jurisprudence "in simple and pure diction."

us against making sweeping generalizations on the literary practices of the ancients.[1]

There were other elements operative in the composition of ancient writings which seems to have had a broadening effect on the literary scope of historiography. The common use of sources and literary forms led these writers of antiquity to include or at least overlap at times the associate genres of biography, autobiography, memoirs and annals.[2] Traditionally, Aristoxenus is credited with the first published biographies of literary worth. But Xenophon and Polybius also wrote model biographies.[3] In addition to the historians who had a universal interest, such as Diodoros of Sicily and Nicolas of Damascus,[4] and those who had particular phases of history as their

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[1]Even when it comes to the quite common practice of a historian to insert speeches (Cf. Dibelius, Studies, pp. 138-185) it is not always safe to generalize. Among the known exceptions are Cratippus and Trogus Pompeius (F. W. Walbank, Speeches in Greek Historians, p. 1. n. 2). Even Thucydides, to whom credit is given for inaugurating the invention of speeches for purposes of historiography, did not include a single speech in his fourth book on the Peloponnesian War.

Perhaps the most important reason why it is unwise to generalize on the style of the ancient writers is our lack of extant materials by which to evaluate them (Cf. Griffith, "The Greek Historians," Fifty Years (and Twelve) of Classical Scholarship, pp. 198, 199).

It has not been the intention here to evaluate the genres of historiography and oration, only to speak of rhetoric and oratory in terms of more clearly defining the criticism of history writing. Any treatment of the literature on the orations would of necessity have to take into consideration the history of this literature and oral practice, including the analysis of its best productions as well as the excesses.

[2]The category of geography is also to be considered as an associated genre since the Greek writers, such as Strabo, included so much historical material. Cf. Wilamowitz, Greek Historical Writing, p. 7.

[3]Turner, op. cit., p. 328.

[4]Diodoros covered history from the myth period to 59 B.C. Only fragments remain from the work of Nicolas of Damascus. In the

concern, among whom are Polybius, Thucydides and Dionysius of Halicarnassus,[1] there were those writers who centered their work on the characters and careers of outstanding personalities. Some, after the manner of Quintus Curtius Rufus, wrote on the history of one heroic figure,[2] while others chose to compose "historical-biographies" treating the lives of a number of popular leaders.[3] Of a similar nature would be the memoirs, autobiographies and annals.[4]

These writers who were interested in personal-centered events as well as the general historian found a ready source of material not only in the borrowings which went on between themselves but in their access to the records of court-events, the journals of governors and generals which were placed in the archives after being read to the

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opinion of James T. Shotwell (Records of Civilization. Sources and Studies. An Introduction to the History of History [New York: Columbia University Press, 1922], pp. 207, 208), the work of these writers was hardly more than compilation or chronicle of events. Though his works are only available through the condensation of Justin, perhaps the first universal history worthy of the name is to be credited to Pompeius Trogus (Teuffel, History of Roman Literature, I, p. 53).

[1]Polybius wrote of his times, Thucydides of The Peloponnesian War and Dionysius of The History of Rome.

[2]In addition to The History of Alexander the Great which Rufus wrote, we would include here the biographers of Emperors such as the six "so-called Scriptores historiae augustae, Aelius Lampridius, Julius Capitolinus, Vulcacius Gallicanus, Aelius Spartianus, Trebellius Pollio, and Flavius Vopiscus" (Teuffel, loc. cit.).

[3]To be included here are Cornelius Nepos (De viris illustribus), Tacitus (Agricola), Plutarch (Vitae), and Suetonius Tranquillus (Lives of the Caesars and Viri illustres).

[4]Teuffel mentions the memoirs and autobiographies of M. Brutus, M. Aemilius Scaurus, P. Rutilius Rufus, W. Lutatius Catulus, Sulla and others (Ibid., pp. 50, 53).

Senate, or made available through public annals and formal publication.[1] Tacitus in addition to his Historiarum had his Annals (Libri ab excessu divi Augusti) in which he related stories of court intrigue found by him in anonymous memoirs.[2]

Our interest in this investigation centers in the account of the defense speeches which occur in the context of official proceedings by one of the main characters in the composition of Acts. If in ancient times historians and historical biographers used commonly the source material to be found in the annals, archives and personal journals, such comparative materials should not be ruled out for our literary analysis. For this reason the court proceedings as found in the papyri, the letters of Pliny and the accounts of the martyrdom of pagans and saints are included in this chapter under the broad heading of historiography. The amount of coverage allotted to each category is controlled by the presence of comparative material and its contemporariness with the composition of the book of Acts.

Since most interpreters place the writing of Acts in the last quarter of the first century in our era, our main interest will focus on the imperial period of Roman history.[3] But three factors lead us to extend our parallels to include writers who lived earlier

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[1]Tenny Frank, op. cit., pp. 172-175. Cf. J. P. V. D. Balsdon ("Some Questions about Historical Writing in the Second Century B.C.," CQ XLVII [1953], pp. 158-164), on the use of Annals Maximi by the historians.

[2]James Thompson, A History of Historical Writing, I, p. 84.

[3]See Appendix I for an integrated chronology of the writers whose works are being compared in this study.

than 44 B.C. and later than the first century A.D. (1) The scarcity of comparative materials leads us to stretch the period of contemporaneity to its reasonable limits. (2) It is conceivable that Luke would have had available not only the writing patterns of his contemporaries but of those writers who had immediately preceded him and who would have played some part in influencing the historiography of his own day. (3) Writers who immediately follow Luke may be assumed to have followed the conventions of their late contemporaries whose writings are no longer extant.

Though both Greek and Latin writers were producing works during the period under study, the fact that Roman literature emerges full-blown, comparatively speaking, leads us to begin with earlier Greek writers who largely established the patterns to be later followed by the Romans.[1]

Greek Historiography

The most significant of the Greek historical writers come from the classical period of Greek history and therefore are too early to provide for us the comparative forms of defense speeches.[2] Even

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[1]See below, pp. 91-93.

[2]Herodotus (c. 450 B.C.) does report a few speeches in his later books. According to Henry R. Immerwahr (Form and Thought in Herodotus, Philological Monograph 23, ed. by Walton Morris [Cleveland: Western Reserve University, 1966], p. 71 note), the speeches of Herodotus are organized into proemium, agon (ἀγών) and epilogue. The only reference to a trial and a defense is to be found in the mention of a charge against Cleomenes (4. 82) by certain accusers (τοὺς διώκοντας). The charge and his reply are both given in indirect discourse and there is no mention of an apology (ἀπολογία).

Thucydides (c. 460-400 B.C.) is credited by Usher with thirty political speeches (The Historians of Greece and Rome [London:

Hamish Hamilton, 1969], p. 47), an amount equal to 24 per cent of his History of the Peloponnesian War according to Michael Grant (The Ancient Historians [London: Weidenfeld and Nicolson, 1970], p. 88). In all of these speeches there are only two which fall in the category of apology. These speeches are given on the occasion of the trial of the Plataeans by five judges from Lacedaemon or Sparta in the presence of the Thebans who were allies of Sparta. Yet even these are questionable as formal defense speeches. The speech of the Plataeans is attributed to two persons; it is not called an apology by the speakers; it does not follow any charges and it contains accusations against witnesses at the trial, i.e. the Thebans. The second speech, given by unnamed speakers, is likewise not called an apology though it offers a defense for a group not on trial. As to the form of the speeches, neither address opens with a captatio benevolentiae. Both begin with comment on the nature of the occasion and the reason for the speech. This introduction is followed by a defense (of sorts) of their past actions. The third part of both speeches is a counter charge and the fourth and final section is an appeal for justice (as interpreted by the speaker) based upon the good judgment of the judges. The trial ends with a guilty verdict for the so-called defendants based not on the speeches and charges but on the answer of each Platean to the repetition of the initial question which set the stage for the speeches (3. 52. 1-58. 2).

Thucydides mentions the defense of Alcibiades, one of the Athenian generals, who was charged with lawless conduct (4. 29. 1), but the speech is not reported.

Xenophon (c. 429-357 B.C.) deals with defense speeches in a variety of ways. He merely mentions the defense of Alcibiades (Hellenica, 1. 4. 20) but in a number of other trials the defense is given in indirect discourse (Hellenica, 5. 2. 35-36; 5. 4. 22-23). At the trial of Orontas there are no speeches, only dialogue (Anabasis, 1. 6. 5-11). Xenophon himself makes two speeches which in content are a defense of his conduct but neither address is described as an ἀπολογία, and there is no mention of a formal trial. In one speech (Anabasis, 5. 8. 2-26) he includes dialogues and stories. In the other defense (Anabasis, 7. 6. 11-38), there is no address to the audience, no captatia benevolentiae, and the speech contains rhetorical questions which Xonophon himself answers.

On two occasions, however, Xenophon does report defense speeches in the context of trials. In the trial of a number of generals (Hellenica, 1. 7. 2-33), the accusations and the defense speeches of the generals are given in indirect discourse but the defense (ὑπεραπολογησόμενος) offered by one citizen is rendered in oratio recta. In terms of form, the speech opens with an address to the assembly followed by accusations (κατηγορήσων) of the generals. The charges are followed by advice to the court on how to conduct a fair trial. The speaker then turns to defend the generals and finishes with another address to the court on procedure. The speech is followed by the vote of the assembly.

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Polybius,[1] who writes within the Hellenistic period is too early to offer a valid basis for comparison. This leaves us with only a handful of Greek historians whose works remain and whose "time-slot" is favorable for our interest.[2]

Dionysius of Halicarnassus

Dionysius of Halicarnassus, writing in the last half of the first century B.C., is known for his use of speeches and for his atticistic tendencies.[3] As a literary critic and teacher of rhetoric at Rome he was against much of Hellenistic prose of his day and attempted to purify the language by returning to the prose forms and literary styles of classical times. He is therefore a strong

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In the trial of Theramenes before the senate, the charges are presented but are not mentioned as being κατηγορία. The speech of Theramenes is not listed as an apology. He speaks specifically to the charges and then ceases his address (Hellenica, 2. 3. 24-49).

[1]Polybius (c. 200-118 B.C.), in the opinion of Stephen Usher (The Historians of Greece and Rome, p. 124), wrote in "contemporary 'officialese'" or what might be called "the Kanzleisprache of the Hellenistic court bureaucrats." Yet in his Histories, in which some 37 speeches survive, there is not one defense speech. His work is characterized by a predominance of narrative material over direct speech. Had he wanted to invent or record such a speech he would have had many opportunities for he refers to at least eleven trials in the material which has been preserved (1. 52. 1-3; 5. 16. 5-8 18. 54. 1-7; 22. 4. 6-7; 23. 1. 1ff; 23. 14. 1-4; 24. 7. 7-8; 30. 7; 31. 1. 2-5; 33. 11. 2-6; 38. 18. 1-4).

[2]Only a few fragments are now available from the writings of Posidonius (c. 135-51 B.C.) and Nicolaus of Damascus, court historian to Herod the Great, both of whom wrote universal histories.

[3]Cf. Plümacher's comparison of Luke and Dionysius referred to above, pp. 45. n. 2.

supporter of the "Second Sophistic" movement which begins around 100 B.C.[1] His speeches, which comprise about one third of his Roman Antiquities, are in the opinion of Moses Hadas illustrative of the "vices of the rhetorical school of historiography."[2] If Dionysius is modelling his material after the forms of the fourth century B.C. orators, as Stephen Usher also agrees,[3] we can expect his defense speeches to parallel the apologies of the ancient orators--if such patterns were available to Dionysius.

Only one defense speech has been found in Roman Antiquities, though a number of occasions are pointed out at which such speeches are mentioned, outlined in indirect speech or described by way of the mannerisms of the speaker.[4] In this trial (ἀγών) of Servillius,[5] there is first the accusation (κατηγόρησε) by the tribune written in indirect speech. After bringing witnesses to support the charges the defendant is permitted to make his apology.

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[1]E. A. Barber, "Alexandrian Literature," Cambridge Ancient History, VII, p. 255.

[2]Moses Hadas, A History of Greek Literature (New York: Columbia University Press, 1950), pp. 234, 235.

[3]Stephen Usher, op. cit., p. 240.

[4]Dionysius may at times give no indication whether a defense speech was made (4. 5. 3; 4. 42. 1-4; 9. 27. 2) or he may specifically mention that no defense was offered (5. 8. 2-4; 5. 9. 2-3; 5. 57. 2-4; 8. 59. 1). At other times he will report that such a speech was made (8. 78. 4; 10. 49. 5; 11. 46. 4). If defense speeches are given, they are usually presented in oratio obliqua, either by the defendant (3. 30. 1; 5. 11. 1-2; 7. 60. 1) or by someone else on behalf of the defendant (3. 22. 3-6; 10. 5. 3-6; 11. 34. 1-6). In the trial of Tarquinius, both direct and indirect speech is used in the apology and the speaker soon changes his ἀπολογία into a κατηγορία (4. 47. 3-6).

[5]Dionysius of Halicarnassus, Roman Antiquities, 9. 29-32.

The speech is clearly labeled by the historian as a defense: Παραλαβὼν δὲ τὴν ἀπολογίαν ὁ Σερουίλιος εἶπεν. In the introduction the speaker, using first class conditional clauses, asks the people to declare themselves as enemies or judges. They are addressed as citizens (ὦ πολῖται) and his words are described as his defense (ἀπολογήσασθαι). The speaker then pauses to permit the audience to declare themselves. There is in this type of an introduction no direct compliment given to the people as judges which would clearly show that it is meant to be a captatio benevolentiae. Nevertheless, the effect of these words upon the audience and the conclusion of the introduction which summarizes the comment thus far and repeats the words of address, appears to elicit the goodwill of the audience: Ἀλλ' εἴ τοι δικασταῖς ὑμῖν, ὦ πολῖται, καὶ μὴ ἐχθροῖς χρήσομαι, ῥᾳδίως πείσειν ὑμᾶς οἶομαι ὅτι οὐδὲν ἀδικῶ (Well then, citizens, if you are to be my judges and not my enemies, I believe I shall easily convince you that I am guilty of no crime)."

The progress of his refutation is clearly outlined by the speaker as he proceeds. He indicates the beginning of the main defense with the following words: "ποιήσομαι δὲ τὴν ἀρχὴν τῶν λόγων ἐξ ὧν ἅπαντες ἴστε." There follows the general defense based upon the good and bad "luck" (τύχη) which all military leaders face. A second part to the main body of Servilius' speech is indicated by his referral to the accusation of personal guilt. This section ends with the declaration, "Concerning myself, then, let this suffice (καὶ περὶ μὲν ἐμοῦ ταῦθ' ἱκανὰ εἰρήσθω). The third part of his basic apology deals with another of the charges leveled by the accuser

against the senate, of which Servilius was a member. This phase opens with the words: "Περὶ δὲ τῆς βουλῆς καὶ τῶν πατρικίων,...βούλομαι βραχέα εἰπεῖν πρὸς ὑμᾶς" (But concerning the senate and the patricians I wish to say a few words to you...). The speech closes with remarks on the speaker's sincerity in making his utterance.

The address is followed by a description of the speaker's deportment while addressing the assembly and reference to those who spoke on behalf of the defendant. The speech of one such supporter is given in indirect discourse. The scene closes with a report that no tribe condemned (κατεψηφίσατο) the general.

The foregoing analysis has shown that the one defense speech of Dionysius of Halicarnassus, as well as the entire trial episode, has been carefully structured.[1] The apology has three main parts--an introduction, the main defense, and a short conclusion. The introduction consists of a designation of the speech as an ἀπολογίαν, in third person, a term of address in the vocative case, an identification of the speech as a defense by the speaker in first person (εἰμι ἀπολογήσασθαι), and an attempt to identify favorably with the judge(s). This last item is usually called a captatio benevolentiae. The body of the speech is well-defined and speaks to the accusations. It includes biographical detail, logical arguments, counter charges and advice to the judges. The conclusion to the speech is brief in comparison with the introduction. The speech is for the most part in the first person with one reference by the speaker to himself in the

[1] For a list of the formal features of this and subsequent defense speeches of historiography consult Appendix II, Table 2.

third person. Rhetorical questions, which call for answers in favor of the defendant, are sprinkled throughout the speech. The frame of the defense speech is balanced by an accusation and supporting witnesses at the opening of the trial and a further defense of the accused with approving witnesses at the close. The literary unit is closed with the report on the result of the trial.

Diodorus of Sicily

Diodorus of Sicily (dates uncertain but writing about 50 B.C.) wrote a world history in 40 books. His work, based on existing annals and historical works, has few speeches.[1] He mentions four trials at which a defense speech is described as persuasive (ἀπελογήσατο πιθανῶς),[2] mentioned[3] or intimated.[4] In no case does he give an account of the form or content of the speech.

Plutarch

Plutarch (c. A.D. 46-120),[5] according to Carney, had a "great preference for certain definite forms" in his attempt to foster the revival of classical writing styles.[6] There are many references to

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[1]Besides his speeches (13. 20-27; 28-32; 14. 65), his direct discourse includes a number of letters and treaties.

[2]Diodorus Siculus, 14. 13. 7. [3]Ibid., 11. 57.5; 13. 69. 1-2.

[4]Ibid., 36. 15. 2-3.

[5]For the justification of this inclusion of Plutarch the ancient Greek biographer in this review of historiography see above, pp. 76, 77.

[6]T. F. Carney, "Plutarch's Style in the Marius," JHS LXXX (1960), p. 24.

trials of historical personalities in his Lives (βίοι). But as we discovered in the writings of Diodorus of Sicily, Plutarch is content to describe the defense speech,[1] merely mention the defense,[2] or present a few points of the speech in indirect discourse.[3] Even when he is writing about the trials of such orators as Phocion and Demosthenes there are no apologies given.[4]

Appian

Appian (c. A.D. 95-165) has a good number of speeches in his Roman History (Ρωμαϊκά) but it is obvious to any reader that his narrative material easily dominates his composition. Most of the direct discourse has to do with the speeches of generals to their armies or to each other. There are, however, three speeches which have a bearing on our investigation.[5]

Appian gives a brief account of the trials of Scipio and Epaminondas. After relating by way of his narrative the nature of the charges (in this instance described as διέβαλλον [slander or

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[1]Plutarch, Lives, Camillus, 36. 5; Caius Marcius Coriolanus, 18.

[2]Ibid., Marcus Cato, 15. 3-4; Cato the Younger, 16. 3-4; Caesar, 10. 5-6; Marcellus, 27.

[3]Ibid., Cimon, 14. 3-4; Caius Marius, 14. 4-5; Pompey, 4. 1-4. An exception is the long speech of Cleomenes presented in direct discourse (Agis and Cleomenes, 10).

[4]Ibid., Phocion, 34. 4; Demosthenes, 26.

[5]The reply (ἠμείφατο) of Antony to the plea of certain tribunes (Roman History, The Civil Wars, 3. 33-38) is excepted. The content has the nature of a defense but the speech is not so designated and Antony is not on trial.

false accusation]) and the convening of the δικαστήριον (court), the entrance and appearance of Scipio is described. His speech is not labeled a defense. In fact the point is stressed that Scipio did not answer the accusation (κατηγορίας). The major part of the address is hurriedly summarized by Appian. Only the invitation of Scipio to the court to join him in giving a sacrifice in honor of his victory over Carthage is given in direct speech. The narrative ends with a description of the court breaking up and the despair of the accusers over their failure to make their charges stick. Appian praises Scipio in "his contempt for an accusation unworthy of his career."[1]

In the case of Epaminondas, the content of the accusations against him and his associate generals is treated in the narrative. When Epaminondas is tried (κρινόμενος), he makes a short confession of his guilt in breaking his nation's laws for its benefit. This brief speech, called a defense (ἀπολογίας), so stirs the judges that they leave the court (δικαστηρίου) without casting their vote.[2]

There remains one speech to be considered from the works of Appian. The speech of Lucius Piso in defense of Antony, who is not present at this meeting of the Roman senate, is given in answer to the charges of Cicero that Antony should be declared a "public enemy." Both men had spoken the day before on the same subject, according to Appian's account which merely makes reference to some of the points raised. Piso's speech follows the address of Cicero. The utterance

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[1]Appian, Roman History, 11. 40.

[2]Op. cit., 11. 41.

is not defined as an apology but is introduced as a speech from the other side (ἀντειπεῖν). In the introduction Piso includes a term of address, ὦ βουλή(Senators) and explains that he is answering the accusation (κατηγορεῖν) because Antony is not present to make his own defense (ἀπολογησάμενον). He does not call his speech an apology, nor does he attempt to gain the favor of his listeners by offering a captatio benevolentiae.

The body of this speech by Piso is indicated by the reference to the first charge of Cicero: "τὰ χρήματά φησιν Ἀντώνιον τὰ κοινὰ μετὰ τὴν Καίσαρος τελευτὴν σφετερίσασθαι" (He says that Antony converted the public money to his own use after Caesar's death). He moves to the second part of the main defense by declaring: " Καὶ τάδε μὲν περὶ τῶν χρημάτων (So much for the charge in reference to money). After dealing with the second charge he introduces the third section with the words, " Ἀλλ'ἔκτεινέ τινας τῶν στρατιωτῶν ὁ Ἀντώνιος" (But it is said that Antony put certain soldiers to death). To this last charge Piso gives the most attention. His rebuttal is replete with rhetorical questions and his concluding statement on the charges is full of sarcasm: " Τὰ μὲν δὴ μέγιστα, ὦ Ῥωμαῖοι, καὶ ἀναμφίλογα Κικέρωνος ἐς τὸν Ἀντώνιον ἐγκλήματα ὁρᾶτε" (you behold then, Romans, these very grave and indisputable charges of Cicero against Antony). After including some comment on the μαντεύματα (surmises) which accompanied the accusations, Piso moves to his conclusion, mentioning that the facts he has brought to light serve as a "δεῖγμα τῆς Ἀντωνίου τε ἀπολογίας" (proof of Antony's defense) and

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making his exhortations to the senate on behalf of Antony. The episode ends with Appian finally designating the speech as a defense (ἀπε-λογεῖτο) and recording the result of the voting.[1]

The structure of this defense speech involves an introduction given in the first person with a term of address in the vocative and a conclusion in the first and second person. The body of the speech is divided into four parts dealing specifically with the charges and associated suppositions. The speech follows an accusation given in third person direct speech and is labeled by the speaker as an apology. The writer frames the two speeches with a description of the trial scene and clearly designates the address as a defense speech. There is no captatio benevolentiae in the apology and the speech is presented in third person since it is given on behalf of the accused who is not present.

Our survey of the Greek historians has provided us with two defense speeches which may prove useful in our analysis of the apologies of Paul in Acts. The speeches found in Dionysius of Halicarnassus and Appian are from historical works and date from a time period contemporary with or relatively close enough to Luke's composition to make them eligible for comparative use. Lucian of Samosata (c. A.D. 125-80) and Arrian have little to offer our study.[2]

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[1] Op. cit., The Civil Wars, 3. 52-61.

[2] Lucian was not a historian but is known in this connection for his essay on Πῶς δεῖ ἱστορίαν συγγράφειν (How to Write History). Flavius Arrianus, writing in the second century A.D., produced a History of Parthia (now lost), a history of Alexander's successors (known only in fragments) and Anabasis, a history of Alexander. There are two occasions when defense speeches are mentioned in his treatment of the life of Alexander, the trial of Philotas (3. 26. 1-3) and that of

The works of such writers as Diogenes Laertius, Philostratus and Herodian[1] are also to be excluded from our analysis. Their works

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Amyntas (3. 27. 1-2). In neither account does Arrian record the speech, though at other times his history includes speeches, in both direct and indirect speech (Cf. 2. 7. 3-9; 2. 17. 1-4; 3. 9. 5-8).

[1] Diogenes Laertius composed his Lives of Eminent Philosophers in the earlier decades of the third century A.D. when it was the vogue to stress personal anecdotes and witty sayings (R. D. Hicks, translator, Diogenes Laertius, 1, pp. xii, xv). He mentions the defense of Socrates written by Lysias (2. 40, 41), Aristotle's defense speech at his trial over a charge of impiety (5. 8, 9) and the apology of Chabrias by Plato (3. 24). But he does not give an account of these speeches.

Philostratus, writing about A.D. 220, published a biography of Apollonius of Tyana, a philosopher and religious mystic who evidently lived in the time of the Emperor Nerva (A.D. 96-98). In this literary work which Philip Carrington describes as "highly romanticized" (The Early Christian Church, Vol. I, The First Christian Century [Cambridge: The University Press, 1957], p. 351), Philostratus has an account of a trial of Apollonius. What is described as "Τὸν μὲν δὴ προάγωνα τῆς ἀπολογίας "(the prelude of his defence) takes place in an interview with Domitian (The Life of Apollonius of Tyana, 7. 34, 35). The trial (δίκη) takes place later at the law-court (δικαστήριον) with the emperor as judge (δικάσει) and many "celebrities" (ἐλλογίμοις) or "illustrious men" (ἐπίδηλοι) present. It appears from the account of Philostratus that the secretary (γραμματεύς) also serves as the accuser (κατήγορων). The speech of the accuser is not given but the accuser evidently hands the scroll with the charges to the emperor who phrases the accusations in the form of questions to which Apollonius answers. The emperor orders (ἐκέλευσε) Apollonius to make his defense (ἀπολογεῖσθαι) but no where does the sage call his few words a defense and in the end he is acquitted (ἀφίημί σε). After Philostratus has recorded this trial scene (Ibid., 8. 1-5) he includes a long oration which Apollonius is said to have composed for his defense. The speech is in the first person, claims to be a defense repeatedly and begins with a long captatio benevolentiae. The various charges are answered as he defends his life and viewpoints as a philosopher (Ibid., 8. 6, 7).

There are a number of factors in addition to the late date of composition that prohibit the use of this defense speech for comparison purposes. The problem of the genre of Philostratus' work has already been mentioned (see above, p. 8). Its length (832 full lines) and its independence from the context of the account of the trial itself suggest that it was meant to be taken for a literary work on its own merits rather than as a part of a

represent a type of literature or originate from a period of time beyond the limits of accurate literary comparison.

Viewing these two apologies against the background of Greek historiography as we have surveyed it, leads one to conclude that the presence of a defense speech in direct speech in the context of a trial is atypical. For the majority of the narratives in these historical accounts were satisfied to merely mention the speech, describe the manner in which the speech was rendered or its content.[1] Apparently it was also quite unusual to compose such a speech in indirect discourse. But Luke's literary companions among the historians include more than the Greek writers. We turn, therefore, to a consideration of his Roman contemporaries.

Roman Historiography

Historiography is dependent upon a strong tradition of prose writing and as in Greek literature this literary prose style did not develop among the Roman writers until rather late. According to Teuffel,[2] Latin prose took its first faltering steps with the publication of a speech by Appius Claudius (c. 300 B.C.) and can only be said to have begun to walk with the works of Cato Major (234-149 B.C.). The older Roman historians, such as Q. Fabius Pictor,

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historical narrative. As such a speech it probably falls in the category of orations already excluded from our consideration (see p. 64 above).

Herodian wrote his history of Rome about A.D. 250, covering the period from A.D. 180 to A.D. 238.

[1]See Defense Speech Frequency Chart, Appendix II.

[2]Teuffel, op. cit., I. pp. 47-50.

were forced therefore to write their works in Greek until such a time as Latin came into its own as a medius of literary reflection.

This use of the Greek language by the Romans, their adoption of Greek models for their writing styles and their training in Greek rhetoric, which included literary criticism, had the advantageous effect of producing a mature historiography without the necessity of long years of development. But this definite influence of Hellenism over the Latin prose also had its disadvantages. There entered into Roman historical writings the same confusion between the oratorical styles of the rhetoricians and the proper form of historiography. A further problem is pointed out by Turner. The free borrowing of speeches from earlier historical works makes it difficult to trust the historian's production of speeches as being representative of his own times.[1]

These similarities in the writing conventions of the Greeks and Romans have been briefly alluded to previously in our discussion.[2] There are however, a few distinctions to be drawn between the two writing traditions, differences which only by implication have been mentioned in our earlier treatment of ancient historiography. The annalistic style (or form) of history writing not only belonged to the early writers in both literary cultures but appears to have dominated the literary historical types of the Imperial period, as can be seen in the work of Tacitus, the great Roman historian. Then

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[1]Christopher Turner, "History," Greek and Latin Literature, ed. by John Higginbotham (London: Methuen and Company, 1969), p. 335.

[2]See above, pp. 72-77.

we must also mention the novel type of historiography which developed among the Latin writers. According to Thompson, it was a combination of history and "travel literature."[1]

These adaptations or innovations in Roman historiography are generally accounted for on the basis of external pressures rather than internal creative genius. It just was not politically wise nor personally safe to write freely under the suppressive reigns of such rulers as Tiberius, Caligula, Claudius and Nero. As a result the writers chose to be silent (as were Juvenal, Tacitus and Pliny in the time of Domitian), to write biographical or these "travel" histories, or to give the emphasis in their coverage to past history rather than to present concerns (as did Livy). The Greek writers of this period by reason of their language and nationality enjoyed more freedom and consequently were not so limited in their scope of composition.[2]

The writings of the early Roman historiographers are not available for analysis were we to desire them for comparison.[3]

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[1]James Thompson, A History of Historical Writing, I. p. 82. It is to be regretted that the works of a number of such writers (Domitius Corbulo, Suetonius Paulinus, Titus Claudius Balbillus, L. Antistus Vetus) who were producing in the days of the Julian Dynasty are no longer extant.

[2]Ibid., pp. 80, 81. Cf. Teuffel, op. cit., I, pp. 54, 404-409.

[3]M. Porcius Cato, or Cato the Elder (234-149 B.C.) is credited with being the first Latin prose writer and the first Roman historian. His work, Origines, though largely in the tradition of the Annalists, did incorporate speeches, a convention borrowed from the Greeks. The speeches were later separately collected and outlived the main work. Apart from the work De agri cultura only fragments remain of Cato's writings.

We are no more fortunate with the writings of such historians as P. Rutilius Rufus (1958-77 B.C.) and Sempronius Asellio (159-86 B.C.) who after Cato also tried to write serious history.

We therefore begin our survey of the Roman historians with a reference to Caesar.

Julius Caesar

Julius Caesar (100-44 B.C.) has left for us his Commentarii or memoirs covering the Gallic war and (in part) the Civil war. There are no defense speeches in this straight-forward account of his activities.

Cornelius Nepos

Cornelius Nepos (99-24 B.C.), who wrote in the Golden Age of Roman literature, contributed to the development of the biographical form of historiography. He indicates in the preface to his Lives of Eminent Commanders (De viris illustribus) that he is dedicating his composition to Titus Pomponius Atticus, the general who later in his book receives the largest coverage (22 chapters). This work, which is not complete, speaks of eight trials without including one defense speech.[1] His custom was merely to indicate that such a speech was given or to say nothing about a speech.[2] On one occasion he specifically states that a defense was not permitted.[3]

Cicero (106-43 B.C.) is known for his orations and for his comments on the writing of history (see above, pp. 74, 75) but he also late in life attempted to write a historical composition in the form of memoirs. These writings have not been preserved.

[1]The direct speech is limited by Nepos to a letter of Themistocles to Artaxerxes (Lives of Eminent Commanders, 2. 9), and to two short speeches given in direct and indirect discourse (Ibid., 15. 7; 23. 2).

[2]Cf. Ibid., 1. 7; 6. 3; 7. 4, 6; 11. 3; 13. 3, 4; 19.2.

[3]Ibid., 19. 3.

Sallust

C. Sallustius Crispus (86-34 B.C.) produced three historical works in the last decade of his life; the Conspiracy of Catiline (Bellum Catilinae), the War with Jugurtha (Bellum Iugurthinum) and five books of a History of Rome (Historiae). Of the latter composition only four speeches, a few letters and some fragments remain. Students of Roman historiography hold varying opinions on Sallust as an historian,[1] but they do agree that his speeches were patterned after the Greek rhetorical conventions.[2] Nevertheless no defense speeches were found in the writings of this Roman historian.

Livy

Titus Livius (59 B.C.-A.D. 17) vies with his later rival, Tacitus, as having been the greatest Roman historian.[3] He wrote a comprehensive history of Rome, entitled simply Ab urbe condita (From the Founding of the City), in 142 books. In the 35 books which have

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[1]Bertil Gärtner (The Areopagus Speech and Natural Revelation, p. 16) sees parallels between Sallust and such historians as Thucydides, Posidonius and Cato while Turner (Op. cit., p. 307) views this historian as following in Latin the example of Polybius but also (in reaction to Cicero) archaizing by combining Thucydides with Cato, the earlier "champion of Hellophobia." Cf. Teuffel, op. cit., p. 70.

[2]At least this seems to be the case for his speeches in the monograph on Catiline. The speeches in his account of the War with Jugurtha are often presented in oratio oblique.

[3]Cf. Teuffel, op. cit., I, p. 524 and Moses Hadas, A History of Latin Literature (New York: Columbia University Press, 1952), p. 321.

come down to us, Shotwell[1] counts over 400 speeches. But even this large number of addresses, Usher[2] assures us, is in proportion to the narrative content of his historical account smaller than that of Sallust and only half of what is to be found in Thucydides.

The trial scenes are not handled by Livy in a consistent manner. No doubt such confusion is to be attributed to the complicated court procedure followed in the Republican era and to the problem of source materials which plagued Livy.[3] Since our concern is with the defense speech, it does not matter if the context is a trial (iudicium),[4] a preliminary hearing (usually called a consilio [council of inquiry] or causae dicendae [pleading one's cause]), an assembly of the senate, or a council called by a military commander or Roman official in the field. What is essential for our literary analysis is that there be a historical narrative context where accusations are made and a defense of sorts is made in the face of pending judgment.

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[1]James T. Shotwell, An Introduction to the History of History, p. 252.

[2]Stephen Usher, op. cit., p. 197.

[3]Evan T. Sage explains that Roman law "required three separate sessions of the court, at the third of which the verdict was rendered" (Livy, vol. X [Loeb Classical Library, 1949], p. 472, n. 1). Livy himself refers to the contradictions he found in the historical traditions concerning the trial and death of Scipio (38. 56. 1-13). Tenny Frank adds that the archives contained only the final decisions of the court and the speeches of those earlier times were not available to Livy because at the times in which they would have been made it was not the practice to publish them (Life and Literature in the Roman Republic, p. 193).

[4]Sage, Livy, vol. XI (Loeb Classical Library, 1949), p. 201, n. 5.

Livy's history of Rome records the occurrence of twelve such trials and/or hearings without mentioning the defense speech.[1] On three occasions an apology was not permitted.[2] In ten instances Livy calls the speaker a defendant (reum), one who "causa ipse pro se dicta" (pleaded his own cause), "petitioned" (petendo), or one who "refutando" (refuted) certain "crimina" (charges). In this way he points out that a defense speech was given and on occasion will include in his narrative a description of the speech or manner of its delivery. But he does not give the content of these speeches--not even in indirect discourse. This list includes the defense of one of the great heroes, Scipio, whose speeches on other occasions Livy appears only too anxious to include.[3]

A few references are made by Livy to speeches which perhaps should be designated as quasi-defense in nature. These utterances are not designated clearly as defense speeches but in the context appear to fulfil such a purpose. The speech may be presented in indirect discourse, given either by the defendant (reus) or by others on behalf of the accused, but the content is replete with

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[1] Livy Ab urbe condita 2. 41. 10-12; 52. 3-5; 61. 1-8; 3. 29. 6, 7; 33. 10. 4. 44. 11; 6. 1. 7; 21. 27. 8, 9; 29. 21. 8-13; 38. 58. 1; 39. 17. 7-18. 6; 43. 2. 10. No attempt has been made to include the references to trials which were scheduled, dismissed or postponed.

[2] Ibid., 1. 51. 9; 3. 56. 3; 28. 26. 12-29. 12.

[3] Ibid., 2. 52. 6-8; 61. 1-8; 3. 12. 9; 13. 9; 4. 44. 10; 5. 11. 4-12. 2; 6. 20. 8, 9; 8. 32. 9, 10; 26. 38. 8-10; 50. 11; 12. If the claim is true (see above pp. 26-31) that it was common practice among ancient historians to invent speeches for their characters without serious regard to the traditions, this omission by Livy of the "magnificent" speech of Scipio, the Roman hero of the Punic War, remains an enigma.

XUM

accusations and blame of others.[1] Also to be included in this category is the speech which combines in direct and indirect discourse the defense for his conduct and a plea for life.[2]

Among the many speeches Livy records in oratio recta, there are seven which may lay claim to being defense speeches. These speeches will now be studied carefully in the interest of their form.

Icilius

The address of Icilius[3] is described in the speech itself as a "defence" (vindicantem) and in the accuser's reply as well (Verginiam defendi ab Icilio). In this speech an introduction, a captatio benevolentiae, an answer to the charges and a conclusion are all missing. The thrust of the content is more in the nature of a charge and challenge to the accuser than a defense.

Marcellus

The speech of the consul, Marcellus, would appear from a study of its content to be a defense.[4] He calls himself a reum (defendant) in his request to permit his accusers to hear his response. Yet the speech is not called a defense by the historian and is as such disclaimed by the speaker. Marcellus is made to say: "..., si de meo crimine ambigeretur, consul dicturus causam accusantibus Graecis fuerim" (..., if it were a question of a charge brought

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[1] Ibid., 8. 33. 12-22; 26. 3. 1-8; 38. 58. 4-59. 11.

[2] Ibid., 1. 26. 9-11.

[3] Ibid., 3. 45. 6-11.

[4] Ibid., 26. 30. 11-31. 11.

against me, I as consul would have pleaded my case with Greeks as my accusers). In respect to form, the short speech (46 lines) has an introduction denying that the speech is a defense. The conclusion repeats the claim of the defendant that the charges concern the state and not his personal conduct. The final lines of the conclusion repeat the thought of the opening words of the address having to do with who is present for the speeches. The term of address, patres conscripti (conscript fathers), is used twice in the introduction (if the opening remarks requesting the presence of his accusers are to be viewed as part of the introduction), twice in the body and in the conclusion. The only movement which might indicate that the body of the speech consists of parts is the alternation of persons being addressed. The core of the speech opens and closes with an address to the senators which refers to the accusers in third person. At the center of the body of the speech the speaker uses the second person in directing his remarks to his opponents. Finally, it should be mentioned that the context is not a trial but a meeting of the Roman senate to hear the demands of the conquered Sicilians for some property rights. In the absence of any charges levelled against the speaker, the consul at his own initiative makes the speech.

Demetrius

A long defense speech is given by Livy on the occasion of the accusations of Perseus against his younger brother Demetrius when they were called before their father and king, Philip of Macedonia.[1] Following the father's speech to his sons and the shedding of tears by all,

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[1] Ibid., 40. 9. 1-15. 16.

Perseus makes a long speech (126½ lines) charging Demetrius with an attempt on his life. The speech is followed by the historian's notation that silence and tears[1] once more characterized the scene which is no where described as a trial.[2] That the longer (exactly half again as long or 190 lines) response of Demetrius is to be taken as a defense speech is clear from the notations of the defendant (reus). At least three times at the end of his address he calls attention to his defense with the following words: "...ad causam parricidii dicendam (to plead my defence on the charge of murder);" "iubentem dicere causam (ordering me to defend myself);" and "an defensionem mediarer (or planned my defence)."[3] In the interest of the formal characteristics the following points are also to be mentioned. Following the command to speak (cum dicere iuberent) the introduction opens with one of the two terms of address which are used (though not consistently) throughout the address, depending upon the identity of the one being spoken to, the father (pater) or the brother (Perseu). It has been customary in these Latin constructions of address, for the term of address to follow some phrase or clause opening the sentence. The term of address never appears first in the sequence of words. The introduction consists of 33 lines,

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[1]Evan T. Sage (Livy, vol. XII The Loeb Classical Library, 1938 , p. 36) makes the comment that "such lamentations were a standard and effective part of the defence-technique," and calls our attention to an example in Cicero De oratore 1. 228. This opinion has not been substantiated by this investigation.

[2]The term "trial" does appear in the translation (Livy 40. 15. 15) but not in the Latin text. See also above, pp. 96, 97.

[3]Livy Ab urba condita 40. 15. 11-14.

the first 21 lines addressed to the father and the following 12 lines directed to the brother. This opening part of the speech, declaring the brother's guilt and the speaker's innocence, concludes with a statement implying that the charge will now be answered.

The body of the speech at first takes up the general accusation of treason against Macedonia in 23 lines addressed to the father and is followed by a short thrust (2½ lines) at the brother. The next section of the speech treats the specific charge of a plot to put the brother to death. In this main part of the speech, the central portion of the body as well as the entire address, the 73 lines are divided into six different units, distinguished by the speaker addressing the father and brother in turn. The total number of lines spoken to the brother (43½) is larger by half of those lines addressed to the father (29½). The body of the defense speech is nicely rounded out with a second defense of the general charge of treason. This section is specifically marked out by the words: "Quin tu omissa ista nocturna fabula ad id, quod doles, quod invidia urit, reverteris (Why do you not, dropping that fairy-tale of last night, come back to that which irks you and causes you to burn with jealousy)?" In this unit there are a few lines (5½) spoken to the brother which puts into direct speech in the mouth of the brother certain thoughts which the speaker imagines his accuser to hold. This is the first time this rhetorical device has appeared in the defense speeches which have come under our appraisal. It no doubt is introduced here as a counterpart to the use of this convention in the speech of accusation

by Perseus.[1] The speaker then turns to the father and denies once again (in 23 lines) any intention to betray him as king or his country.

The defense speech closes with a conclusion emphasizing the low estate of the speaker, his innocence and his lack of time to prepare an adequate defense. It is not easy to locate the beginning of this conclusion but if the terms of address are to be considered and the content as well, it would appear that the conclusion opens with a short address to the father (5 lines), continues with a final appeal to the brother (3½ lines), and comes to an end with a long plea to the father. This final declaration of innocence (21½ lines) is of the same length as the opening statement to the father.

This analysis may be summarized with these notations. The speech consists of three balanced units; an introduction, body and conclusion. The introduction and conclusion are similar in content and length as are the first and third sub-units of the body of the speech.[2] The main section of the speech deals with the basic charge of the accuser. The terms of address appear throughout the speech and there is no captatio benevolentiae. The historian makes no reference to the address as a defense but the speaker does. The scene,

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[1] Ibid., 40. 11. 7, 8.

[2] This type of balance in the structure of a composition is generally called "chiastic" or "ring" composition. It remains to be seen if this construction is typical of the defense speech in historiography or merely the personal use by Livy of a general literary device. For further examples of this ancient writing pattern see Ingrid Beck, Die Ringkomposition bei Herodot und ihre Bedeutung für die Beweistechnik, Spudasmata 25 (New York: George Olms Verlag Hildesheim, 1971).

which is not called a trial, closes with the father postponing judgment (diiudicaturum). There is some hint of the speech ending by reason of an interruption rather than through a completion of the defense. For the historian comments: "Dicenti haec lacrimae simul spiritum et vocem intercluserunt (As he spoke thus, tears at once stopped his breath and choked his utterance)."

Perseus[1]

The defense of Perseus takes place before the Roman envoys Quintus Marcius and Aulus Atilius who had come to the territory of Perseus bearing charges which had been presented in the Roman senate. The reply of this Macedonian king is presented as a defense though it is not clear if the speaker sees himself at the time as a defendant or views the matter from the point of view of one who will in the future defend his position before the Roman senate. He opens his address with these words: "Bonam causam, si apud iudices aequos ageretur, apud eosdem et accusatores et iudices agam (A cause, which would be good if it were pled before impartial judges, I shall plead before men who are at once accusers and judges)."[2]

The speech begins without a term of address. If an introduction is to be recognized it consists of the opening lines (just quoted) and a few additional words of general comment on the charges. There does not appear to be any formal introduction or any transitional formula which indicates a movement into the body of the address. He does separate the personal charges and those which in his estimation pertain to his official role as king and treaty member with Rome. The

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[1]Ibid., 42. 41-42. [2]Ibid., 42. 41. 1.

conclusion testifies to his innocence and contains the words of flattery we would ordinarily expect to come at the beginning of a speech. The conclusion of the episode calls attention to the reaction of the audience and the decision of the Roman envoys.

The Rhodians[1]

Livy does not provide the first words of what he describes as an "orationem" (speech) of a sort (talem) presented by the Rhodian envoys before the Romans. If the major portion of the introduction is in our text, aside from the question of a term of address appearing early in the speech,[2] the captatio benevolentiae, if indeed it exists at all, is limited to this statement.

> Certe iidem vos estis Romani, qui ideo felicia bella vestra esse, quia iusta sint, prae vobis fertis, nec tam exitu corum, quod vincatis, quam principiis, quod numquam sine causa suscipiatis, gloriamini (Surely you are the same Romans who boast that your wars are favoured of Fortune because they are just, nor do you exult as much in the outcome, because you conquer, as in the beginning, because you never undertake war without good cause).[3]

In the context of the introduction, which bemoans the mistreatment already received at the hands of the Romans, this comment carries little flattery or compliment.

The main part of the defense is introduced by the specific remark that the speaker will deal a certain way with the charge

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[1]Ibid., 45. 22-24.

[2]The expression "patres conscripti" (translated by Alfred C. Schlesinger [Loeb Classical Library, 1951] as "gentlemen of the senate") occurs six times in this speech. Its first use in the text as we have it is in the third sentence.

[3]Ibid., 45. 22. 5.

(crimen). In this portion of the defense (causam...diceremus) the arguments concern the city and its citizens. A second section of the body of the speech is clearly indicated with the following declaration: "Hinc iam non, quod factum est, sum defensurus--non adeo insanio--, sed publicam causam a privatorum culpa segregaturus (From this point I do not propose to defend what has happened--I am not so mad--but I propose to separate the defence of the state from the guilt of private citizens)." A third part of the core of the defense is specifically noted as having to do with the "most serious charge (gravissimum...crimen)." The accusation and its defense then follow. A fourth and last division in the central defense is obvious from the explicit question of the speaker, "Quid igitur superat, quod purgemus,... (What then remains, of which we must clear ourselves)?"

The transition from the body of the speech to the conclusion is not easily to be located. From the content alone one is able to notice the general nature of the statements claiming innocence. The more frequent use of the term of address would indicate a climax to the appeal.[1] Another indication that we are in the conclusion is the repetition of an important theme to be found in the introduction, a literary device already noted in previous analyses. In the opening of the speech the following expression appears: "Rhodios.....hostes ex sociis facturi estis (and will you transform us Rhodians from allies into enemies)?" In the conclusion we find this declaration: "Hostis

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[1]The words of address (see above, p. 104, n. 2) occur twice (if not three times) in what appears to be the conclusion.

Rhodios esse Romani iudicare possunt, facere non possunt (The Romans may judge that the Rhodians are enemies, but they cannot make them so)."[1]

This historian closes the account with mention of Cato's speech in favor of the Rhodian cause and the decision of the senate. One interesting feature of this speech which should not be overlooked is the clear enunciation of the charges provided by the defense speech in the absence of a speech of accusation, whether in direct or indirect speech.

Gnaeus Manlius[2]

Gnaeus Manlius is reported by Livy to have given a defense (defensio)[3] before the senate in a response to the accusations of some of the "legatorum" (commissioners) that he did not deserve a triumph. In his reply to the charges, given in indirect and direct speech, Manlius commences his address with a term of address, "patres conscripti" (conscript Fathers), that appears a total of eight times in his speech. It occurs three times in the introduction, twice in the body and again three times in the conclusion. The introduction is marked out by the general claim of the speaker's worthiness to receive the distinction and its specific reference to his making a defense. His remark is: "sed causam apud vos, patres conscripti, ...dico (but I am pleading my case before you, conscript Fathers)."[4]

The speaker indicates he is moving into the body of the speech with a clear reference to the charges. He mentions the two accusations

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[1]Livy, op. cit., 45. 22. 4; 45. 24. 14. [2]Ibid., 38. 47-49.

[3]Ibid., 38. 50. 1. [4]Ibid., 38. 47. 7.

in the same order in which they are taken up in his defense. After dedicating the major portion of his speech (68 lines) to the first charge, he explains to the listoners that he is now going to treat the second accusation.

The problem with the form of this speech is its conclusion. The argument over the second charge is presented in two stages, alternating between three personal appeals. The first concern of the speaker in answering the second charge is to mention his hesitancy to speak about his own accomplishments. After giving his first answer to the second charge he takes a few lines (5½) to apologize for the length of his speech made necessary by his defense (sed necessaria criminum defensio fecit).[1] Then the speaker again answers the same charge and concludes with a second apology (3 lines) for making such a long speech. There are present in the final argument repetitions of points made in the introduction. But the intermingling of these elements with the response to the second charge militate against our taking the repetition in the defense as evidence for the existence of a well-formed conclusion with its familiar "ring" pattern.

The narration of this defense is completed by Livy giving the verdict of the senate in favor of Manlius.

Lycortas[2]

In this seventh and last of the defense speeches of Livy, Lycortas makes a response to the accusations against the Achaeans before Roman commissioners under the leadership of Appius Claudius.

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[1]Ibid., 38. 49. 6. [2]Ibid., 39. 36. 7-37. 17.

The speech opens with the use of the term of address, "Appius Claudis" (Ap. Claudi) and the admission that the speaker was pleading a cause (apud quos causa est dicenda). The introduction carries no captatio benevolentiae and quickly (after 10 lines) moves into the body of the speech with mention of the specific charge which is held by the speaker to be out of order. A second section of the main part of the address is clearly indicated by explicit reference to other charges.

The conclusion of this relatively short speech includes two usages of the term of address and makes an appeal for the Romans to live up to the terms of their treaty. The conclusion gives no evidence of being a recapitulation of the introduction.

In harmony with the general practice of Livy the defense speech episode is concluded with a portion of the narrative explaining the outcome of the trial or hearing.

Summary of Livy's Speeches

The seven defense speeches found in Livy's history appear to have an over-all structure similar to the pattern to be recognized in most prose speeches, i.e., an introduction, a body, and a conclusion. Certain peculiar elements in the form and content of these speeches, however, occur often enough (at least in two-thirds of the total) to suggest a literary form for the defense speech must have been in Livy's mind (regardless of the source) at the time of composition. The following structural outline summarizes the manner in which his defense speeches have been formed.

XUM

I. Introduction

The term of address directed to the court or assembly. The name of the judge is used or a general term referring to the entire court, such as patres conscripti.

A declaration of innocence or a claim that the charges are false, presented in first-person emphasis though second and third-person usage also occurs in conjunction.

The defense speech designation formula, usually formed with some tense and person of the verb "to speak (dicere)" and the noun "cause (causa)."

II. The Body or Main Defense

Statement of the charges or of the first charge to be answered in the defense.

Specific rebuttal to the charges given in first-person, though at times also including second and third-person forms. This main argument has at least two parts, depending upon the multiplicity of accusations or implications of the same.

Frequent use of rhetorical questions from which the innocence of the defendant or the falseness of the charges is to be inferred.

III. The Conclusion

Repetition of the term of address whether or not it appears elsewhere in the main defense.

Repetition of the more general claim of the blamelessness of the speaker as also found in the introduction.

The most personal of the pleas for acquital emphasized by the predominance of the first-person speech forms.

IV. The Framework

The narrative frame surrounding the speeches, though not a part of the speech material, does affect the construction of the speech. It is most often the practice of Livy not to describe the setting with a formal designation of a trial or court scene. Neither is it the custom of the historian to call the speech a defense or have the presiding officer authorize the accused to begin his defense. What is always present, however, is the verdict as voted by the court or assembly after the speech has been concluded.

Pompeius Trogus

Pompeius Trogus, Livy's contemporary and a Gaul by birth, wrote Historiae Philippicae, manifestly a history of the Macedonian monarchy but according to Watson[1] it is also viewed as a universal history. We only know the work of this Augustan historian through a condensation and translation made by Justin around A.D. 141.[2]

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[1]John Selby Watson, "Notice of the Life and Writings of Justin," Justin, Cornelius Nepos, and Eutropius, trans. by John Selby Watson (London: George Bell and Sons, 1876), pp. iv, vii. There is some possibility (Teuffel, op. cit., vol. I., p. 532) that this Latin history of the achievements of Philip the Macedonian and his son is largely a version of an earlier Greek work. Diodorus of Sicily (see above, p. 82) and Ephorus, a fourth century B.C. Greek historian, are also said to have written universal histories (Wilamowitz, op. cit., p. 10).

[2]For a discussion of the dates of Pompeius Trogus and Justin, see R. B. Steele, "Pompeius Trogus and Justinus," AJPh XXXVIII (1917), pp. 19-41.

XUM

According to Justin, Pompeius Trogus preferred to present speeches in indirect utterance, having found "fault with Livy and Sallust for having exceeded the proper limits of history, by inserting direct speeches in their works only to display their own eloquence."[1] So while this Roman historian does not add to our knowledge of the defense speech form, he does illustrate the variation of writing styles existing among recognized historians writing at the same time and in the same language. In comparing Trogus with Livy, Teuffel claims that Pompeius was less rhetorical, composing rich material in a "lively style and classical diction."[2]

C. Velleius Paterculus

C. Velleius Paterculus dedicated a history of Rome, Historiae Romanae, to his friend Marcus Vinicius on the elevation of the latter to consulship for the year 30 A.D. This condensation of 10 centuries of Roman history includes, after the manner of the Annalists, material from Greek history as well. But though this writer reflects the general tendency of the times in his attempts to be rhetorical and to use the historical content as "the vehicle of personal views,"[3] he does not report speeches of any kind, whether in direct or indirect discourse.[4]

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[1] Justin 38. 3 (Translation by John Selby Watson, London, 1876).

[2] Teuffel, op. cit., I, p. 531.

[3] Teuffel, op. cit., II, pp. 15-18.

[4] An interesting use of direct speech is to be found in the phrasing of Paterculus' personal comments on the slaying of Cicero. The historian himself addresses the historical character Mark Anthony in this manner:

Q. Curtius Rufus

Q. Curtius Rufus is identified by Teuffel and Rolfe as most likely the historian and rhetor who wrote in the days of Claudius (A.D. 41-54).[1] Among the many addresses to be found in this writer's History of Alexander the Great of Macedon are two defense speeches.[2] These apologies are presented in connection with certain trials which are said to have been held by Alexander in Persia.

Philotas

At the trial of Philotas by Alexander there are three speeches which list the charges but none of them is called an accusation (accusatio or crimen). The speech of Alexander is given in direct discourse but the remaining two are merely described in terms of some of their main points. Alexander is interrupted twice, once by the audience's reaction and once by the testimony of witnesses supporting

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> Nihil tamen egisti, M. Antoni (cogit enim exedere propositi forman operis erumpens animo ac pectore indignatio) nihil, inquam, egisti mercedem caelestissimi oris et clarissimi capitis abscisi numerando auctoramentoque funebri ad conservatoris quondam rei publicae tantique consulis inritando necem (But you accomplished nothing, Mark Antony--for the indignation that surges in my breast compels me to exceed the bounds I have set for my narrative--you accomplished nothing, I say, by offering a reward for the sealing of those divine lips and the severing of that illustrious head and by encompassing with a death-fee the murder of so great a consul and of the man who once had saved the state (History of Rome, 2. 66. 3).

[1]For the arguments favoring this particular Q. Curtius Rufus over the other writers by the same name who wrote at other times, see Teuffel, op. cit., II, pp. 54, 55 and the comments of John C. Rolfe in his introduction to the Loeb edition (1946) of the History of Alexander by Quintus Curtius, pp. xviii-xxii.

[2]The first two books of this ten volume history have been lost and gaps exist between books five and six and in the tenth.

the charges.[1] When one of the accusers threatens the life of Philotas the king intervenes, guaranteeing that the defendant will have a chance to plead his cause (dicendae prius causae). The accused is then ordered to speak (dicere iussus). The historian then describes how Philotas weeps and nearly faints away before regaining his composure and beginning his address. The speech, however, is further delayed by a discussion on the language to be used and the exit of Alexander from the assembly.

The introduction to this defense by Philotas[2] is not clearly defined. There is no term of address and no captatio benevolentiae. The content of the opening passage identifies the address as a defense (defensio) and stresses the inequity of the situation by reason of the absence of the judge. The body of the defense consists of four parts, each section to be recognized by the specific reference to a charge. The first person is used throughout the speech and twice the speaker describes his speech as pleading his cause (num hodie dicerem causam) or defending himself (non recuso defendere). A fifth section makes reference to his father who is also under arrest and includes an address in second person directed to the father. Since the speaker brings his speech to an end rather abruptly after being interrupted in the midst of his rhetorical questions, which form a good deal of the content not only of this fifth part but of the whole speech, it is not clear if Rufus intended this last section to be the

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[1] Q. Curtius Rufus Historiarum Alexandri Magni Macedonis 6. 9. 2-24.

[2] Ibid., 6. 10. 1-37.

conclusion or if his purpose was to highlight the charges with the exclamation from one in the audience, "Bene meritis non insidiari (not plot against your benefactors)!" In any case the decision to end the speech is presented as the desire of Philotas and not an imposition. "...et finem facio dicendi, quoniam ultima verba gravia sunt visa auribus (and I make an end of speaking, since my last words have seemed to displease your ears)."

The trial continues with another speech against Philotas in indirect discourse, a dismissal of the assembly and the subjection of the accused to the torture of the quaestionis (inquisition). At the resumption of the trial the following day the historian notes that the guilty, including Philotas, were stoned.[1]

Amyntas

The second defense speech reported by this contemporary of the apostle Paul is slightly different in form from the address we have just reviewed. The charges against a certain Amyntas are presented within the narration of the meeting of the assembly (contionem) called by Alexander. The accusations are cast in descriptive language rather than in direct or indirect speech. It is only when he comes to mention the defense of the accused that Curtius Rufus uses direct discourse.[2]

Amyntas begins his defense, after being given permission to speak (facta dicendi potestate), by requesting to be freed from the fetters and to be given the apparel and weapon which were his property

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[1]Ibid., 6. 11. 1-40. [2]Ibid., 7. 1. 18-40.

as a guard. The king restores these symbols of guiltless status and Amyntas launches into the introduction to his defense with the following captatio benevolentiae addressed to the king.

> Qualiscumque...exitus nos manet, rex, confitemur prosperum tibi debituros, tristiorem fortunae imputaturos. Sine praeiudicio dicimus causam liberis corporibus animisque; habitum etiam in quo te comitari solemus reddidisti. Causam non possumus, fortunam timere desinemus (Whatever outcome awaits us, Sire, we confess that if it is favourable, we shall owe it to you; that if it is less so, we shall attribute it to ill-fortune. We plead our cause without prejudice, bodies and minds both free; you have also even restored the apparel in which we are accustomed to attend you. We cannot distrust our cause, we shall cease to fear ill-fortune).[1]

The speech immediately moves into the main defense with these words: "Et, quaeso, permittas mihi id primum defendere, quod a te ultimum obiectum est (And, I pray you, allow me to meet first the charge which you last made against me)." Admitting that his speech is an apology, Amyntas continues his answer to this specific charge for 27 lines. At this juncture another charge and rebuttal absorbs a second section of 27 lines. After another matter is treated in 17 lines the speech moves into a fourth part which deals with the charges of Alexander's mother against Amyntas. When this part of the speech reaches 27 lines the address is interrupted "Dum haec Amyntas agit (while Amyntas was making this plea)."[2]

Except for a few words which the accused directs to his brother whose arrival at the scene of the trial is the cause of the disturbance, Amyntas does not add anything more. There is no formal conclusion to the speech since the last section obviously seeks to answer the charges of the mother of Alexander and has the nature of

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[1]Ibid., 1. 19, 20. [2]Ibid., 7. 2. 1.

a specific defense rather than the elements of a general summary statement and declaration of innocence. The account of the trial closes with a few words of the king to the people absolving the brothers of any guilt, some words of counsel to the brothers, and a dismissal of the assembly.[1]

Curtius Rufus makes reference to two additional trials in his treatment of the life of Alexander, but in neither is there a defense speech. In the trial of Alexander (Lyncestes) the charges are mentioned as having been presented earlier in the account (in book II which has been lost) and the defendant is described as not being able to speak more than a few words from a defense he had practiced giving (triennio meditatus erat defensionem). He was put to death while still struggling to remember his speech.[2] In the arraignment of Hermolaus among others before a general assembly the accused are asked not to defend themselves but to state what the king had done to merit their plotting of his death. The narrative gives a speech of Hermolaus, interrupted periodically, accusing the king of conduct ill-becoming a Macedonian.[3] Alexander then replies with a long speech defending his leadership.[4] The content would clearly indicate the speech to be an apologia but the form raises serious questions when compared to the other defense speeches. The king is not on trial, he has no words of address, there is no captatio benevolentiae, and there is no admission that the speech is a defense. In addition, the introduction and conclusion are not clearly indicated.

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[1] Ibid., 7. 2. 1-11.

[2] Ibid., 7. 1. 5-10.

[3] Ibid., 8. 7. 1-15.

[4] Ibid.,

On the basis of this lack of formal elements this speech of Alexander has been excluded from our list of defense speeches.

C. Cornelius Tacitus

C. Cornelius Tacitus (55-120 A.D.), one of the last of the classic Roman writers, entered the field of historiography after an earlier career in the law courts. This interest in oratory is reflected in his earliest (extant) literary production, the Dialogus de oratoribus (Dialogue on Orators), and in his flare for style which becomes quite evident in his speeches.[1] With this kind of background it would appear reasonable to expect a good number of defense speeches. But such is not to be our good fortune.

In his biography of his father-in-law, written around 98 A.D. (De vita et moribus Iulii Agricolae) and commonly known as Agricola, there is no defense speech on behalf of Agricola when accused before Domitian.[2] In the Histories (Historiarum), covering the period A.D. 69-96, no defense speeches appear in the books which have been preserved.[3] Tacitus, writing slightly after the time of Luke, varies only slightly from this pattern of omitting defense speeches in his

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[1]Stephen Usher, The Historians of Greece and Rome, pp. 231-234. Cf. James Westfall Thompson, A History of Historical Writing, Vol. I, pp. 85-87.

[2]Tacitus Agricola 41.

[3]Of the 12 or 14 books originally involved in the composition of this narrative on the events taking place in the reigns of Galba, Ortho, Vitellius, Vespasian, Titus and Domitian, only the first four and half of the fifth remain to our day. In the accounts of four trials, two do not mention the defense speech (2. 10; 4. 45), one speaks of the defense presented by another on behalf of the accused (4. 40), and one includes a description of a defense speech (2. 60).

Annales (Annals), a history of an earlier period of Roman history, i.e. from A.D. 14 to the end of 68. In the 15 trials which receive some coverage, a few brief speeches of various sorts to appear.[1]

Marcus Terentius

The three defense speeches included in the account of Tacitus do not exhibit identical form. In the trial of Marcus Terentius[2] the defense is actually an admission of the charges with much of the content taken up in a praise of Caesar who is present at the trial being conducted before the "Conscript Fathers." The introduction and conclusion are not easily to be recognized from their form; there is no term of address at the opening of the speech as Tacitus presents it; and though the speaker admits to defending himself (meo unius discrimine defendam), the historian describes this rather brief utterance to the senate as an "exordium" (ad hunc modum apud senatum ordiendo). The accused uses two terms of address in the speech, alternating between "Caesar" (used twice) and "Conscript Fathers" (patres conscripti).

Agrippina

The speech of Agrippina is, in the context provided, portrayed as a defense even though the content is largely one of accusation.

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[1]Manius Lepidus makes a plea for the life of Clutorius Priscus (Annals 3. 50), an accusation speech is included in the trial of Thrasea and two others guilty of treason against Nero (Ibid., 16. 28), and a speech in indirect discourse by Tiberius occurs in the trial of Gaius Silanus (Ibid., 3. 69). In most reports on trials, the defense is not mentioned (Ibid., 3. 50; 3. 22-23; 4. 42; 4. 52; 12. 42; 15. 20; 16. 28-35). Often the historian has been content to briefly describe the defense speech (Ibid., 3. 66-67; 4. 28; 11. 2; 13. 44; 15. 55).

[2]Tacitus Annales 6. 8.

She does not admit that she is making a defense, makes no specific reference to the charge, and uses no term of address. This speech, containing no clearly defined introduction or conclusion, is rather a vicious attack against her enemies. Agrippina's speech contains one rhetorical question as does the previously mentioned speech which Tacitus attributes to Terentius. The historian further illuminates the nature of the speech by concluding the account with a description of her speech before her son (and emperor). In that interview "she neither spoke in support of her innocence,...nor on the theme of her services,..."[1]

Servilia

A third defense speech forms part of an involved trial of two men accused of being unduly hostile to Nero.[2] In what is presented as an oblique attempt to convict one of the accused, his daughter is charged with giving money to magicians and brought to the senate to stand trial on this religious issue at the very time her father is being tried for complicity in treason. When the accusation has been levelled at the girl, Servilia by name, she is described as casting herself to the ground in a fit of weeping before taking hold of the altar and beginning her speech. There is

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[1] Ibid., 13. 21 (English translation by John Jackson, London, 1937). It is interesting to compare this conclusion to the episode with the opening framework provided by Tacitus. The nature of the speech, being a sharp attack and without emphasis on innocence, is in contrast to what the reader is led to expect from a short speech by Burrus which sets the stage for Agrippina's speech by insisting on the right of a parent to a defense (Sed cuicumque, nedum parenti defensionem tribuendam [Ibid., 13. 20]).

[2] Ibid., 16. 21-35.

no command for her to speak other than the question put to her by her accuser. Her opening sentence contains her plea of innocence of any impious act and two terms of address, one addressed to "Caesar" and one to the "patres" (sirs). After a short speech of nine lines[1] the girl is interrupted by her father who shouts to the assembly that his daughter is not at all implicated in any charges against himself. These words of the father are given by Tacitus in indirect discourse. Servilia's speech is never finished and its length and content do not permit division into introduction, body and conclusion. The speech does not contain one rhetorical question and provides us with no specific mention of the charge. The interruption occurs at the point where she is stressing that the father should not be involved in any charge against herself.

All three trial scenes of Tacitus which include a defense speech close with a record of the decision of the judge in respect to the defendant. This consistent pattern of concluding the trial episode with the judgment of the court, and the underplaying of the defense speeches (and those of accusation as well) in the multiple trials mentioned in the writings of Tacitus,[2] as may be noted by their frequency, length, and nature, suggest to us that this Roman historian is writing in the interest of historiography rather than oratory.

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[1] Ibid., 16. 31.

[2] See Defense Speech Frequency Chart, Appendix II.

Gaius Suetonius Tranquillus

Gaius Suetonius Tranquillus (ca. 69-ca. 140), the last of the Roman historians, strictly speaking, to be considered in this survey, wrote history in the form of biography. His work on the biographies of Roman literary men (De viris illustribus) exists today only in fragments but nearly all of his Lives of the Caesars (De vita Caesarum), the biographies of twelve rulers from Julius Caesar to Domitian, has been preserved. Yet in the writings of this contemporary to Tacitus we do not find one defense speech. He mentions two such apologies but does not include the speeches.[1] In four places where he indicates that trials took place he does not even mention the defense speech.[2]

Summary

The number of historians to which reference has been made is not large. A good number, such as Pedianus (3-88 A.D.) and Fabius Rusticus (54-108 A.D.), have not been mentioned due to source limitations. Pliny (the Younger) will be treated further down in the survey. Lucius Amaeus Florus (writing about 137 A.D.) and Cassius Dio Cocceianus (writing about 193 A.D.), both of whom wrote Roman histories, are too late for our comparison. Marcus Annaeus Lucanus (A.D. 39-A.D. 65) fits our time period but his work, The Civil War

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[1]Suetonius De vita Caesarum 2. 56. 4; 3. 8. 1.

[2]Ibid., 1. 12; 2. 57; 4. 24. 3; 8. 16.

(popularly known as The Pharsalia), is a poetic composition and on that basis must be excluded.

We have found 12 defense speeches in the writings of nine Roman historians who make mention of 70 trials. These discourses presented in oratio recta have been found in three writers: Livy records seven; Quintus Curtius Rufus has two; and Tacitus includes three. This ratio of one defense speech for every six trials would lead us to conclude that it is not the custom of Roman historians to insert defense speeches in their treatment of trial scenes.

An attempt has already been made to correlate the defense speech forms of Livy in the interest of establishing a "Livy" pattern of the defense speech.[1] In view of the fact that Rufus and Tacitus do not record enough defense speeches to indicate a personal pattern but that together they account for a larger number of speeches than the total (two-thirds of seven) used to fix a typical form for Livy's defense speeches, it becomes necessary to analyze these 12 speeches independently. If we can locate certain common elements in the form or shape of these speeches we would have a basis for claiming that a defense speech literary form existed in Roman historiography.[2] Once the form of this particular speech Gattung is ascertained a study of the diverse elements existing in the composition of any one writer or of any particular speech will enable us to note the degree to

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[1]See above, pp. 109, 110.

[2]The writer readily admits that even if such common factors point to such a conclusion, a claim for a defense speech form would only be firmly established when it has been shown that no other speeches in the literature exhibit the same type and arrangement of formal elements.

which an ancient historian felt bound to the literary forms which were used in his day and even in his own literary milieu.[1]

The list of twelve defense speeches include three addresses under 25 lines in length. A speech of this brevity appears to exhibit unusual form, largely through what the writer has chosen not to include. It has seemed appropriate to omit these speeches from our comparison.[2] Arbitrarily choosing as adequate a two-thirds majority, the following structural outline with its formal elements has been found consistent in the nine remaining defense speeches.

I. Introduction

The term of address directed to the court or assembly. The name of the judge is used or a general term referring to the entire court, such as patres conscripti.

The content of the introduction varies. It may include a declaration of innocence, a claim that the charges are false, the explanation of the nature of the speech and a captatio benevolentiae.

The first-person speech forms predominate.

The speaker uses some form of the defense speech designation formula--some tense and person of the verb "to speak (dicere)" and the noun "cause (causa)," or a use of the noun (defensio) or verb (defendere) meaning "defense."

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[1]One unavoidable weakness in this analysis is the heavy dependence upon one man's work (Livy) in the establishment of the speech type. This problem, however, will in part be overcome as the comparison is extended to the other areas of historiography.

[2]These three are the speeches of Icilius (Livy), Agrippina and Servilia (Tacitus).

II. The Body or Main Defense

Statement of the charges or of the first charge to be answered in the defense.

Specific rebuttal to the charges, each refutation forming one part of the body. This main argument has at least two parts, depending upon the multiplicity of accusations or implications involved in the charges.

The first-person speech forms predominate.

Rhetorical questions become more frequent as the main arguments reach their conclusion.

III. The Conclusion

The conclusions are not clearly marked formally. The content varies among such diverse kinds of material as indicating the end of the speech, repeating the content of the introduction, or stressing the innocence of the accused. A further complication to the recognition of the conclusion is the occurrence of an interruption which either curtails the conclusion or breaks the speech before (evidently) the conclusion is reached.

The first-person speech forms predominate.

IV. The Framework

The historian does not have a consistent opening framework for the defense speech. In only one-half of the accounts (6 out of 12) did the historian designate the scene as a trial or court situation. Even less frequently do we find the command or permission given for

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the defendant to begin his defense. Hardly ever does the historian label the speech as one of defense. On a few occasions (3 out of 12) the defendant weeps before beginning his defense.

The trial scene closes with the verdict of the court or assembly as decided after the speech has been concluded.

This structural outline appears to offer us a starting point for the recognition that a defense speech literary form may have existed among the ancient writers of history. Our case will be especially strengthened if we can find some agreement between the language and cultural divisions of the historians of this Imperial period. It is in this interest that we now turn to Jewish historiography.

Jewish Historiography

A third tradition of history writing to which the interpreters of Acts have appealed in their attempts to locate Luke's literary models has been that of Jewish historiography. Otto Pfleiderer[1] considered Josephus to be the writer's "favourite model." Bertil Gärtner[2] would opt for Maccabeean parallels to the Lukan speeches though he does admit that Jewish Old Testament

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[1]Otto Pfleiderer, Primitive Christianity, II, trans. by W. Montgomery (London: Williams and Norgate, 1909), p. 290. Pfleiderer finds parallels in Josephus for the speeches of Gamaliel, Stephen, Paul at Athens, and Paul's farewell address at Miletus (Ibid., pp. 197, 211, 216, 227, 228, 230, 261, 290). He makes no such claims for the defense speeches of Paul.

[2]See above, p. 34.

historians followed the typical practice of inserting speeches.[1] Tasker[2] can find Old Testament analogies in content and method up to and including the decisions of the Jerusalem Council of Acts 15. But at this point he breaks off the discussion of Acts and moves to the epistles of Paul.

Jewish historiography, as we know it in the Old Testament materials and such extra-biblical sources as I and II Maccabees and the writings of Josephus, has often been criticized for its lack of historical objectivity. The existence of a strong religious bias in the writings of Jewish historians is readily admitted. In fact, the religious tendentiousness of the Jewish historical literature is one of the arguments Gärtner uses to defend the likelihood that Luke's speeches were patterned after Jewish traditions rather than Greek compositions.[3] The influence of such "ulterior motives" in Jewish writings have no negative impact on our investigation even as the biases of Thucydides and Tacitus (to name only two non-Jewish historians) did not limit the usefulness of their speech forms.

The following survey of Jewish historiography will treat the Old Testament, the books entitled (in Greek) Μακκαβαίων (Maccabees), Philo and Josephus.

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[1]Bertil Gärtner, The Areopagus Speech and Natural Revelation, pp. 8-10. Gärtner specifically refers to Deuteronomic historical works (Deuteronomy-II Kings) and the Chronistic history (I Chronicles-Nehemiah).

[2]R. V. G. Tasker, The Old Testament in the New Testament (Philadelphia: The Westminster Press, 1947), p. 85ff.

[3]Bertil Gärtner, op. cit., p. 27. Cf. Solomon Zeitlin, "A Survey of Jewish Historiography," JQR LIX (1968-1969), pp. 172, 173.

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The Old Testament

The Old Testament historical writings are generally considered to include certain strands of material in the books from Genesis to Deuteronomy, the Deuteronomistic History or that series of books from Deuteronomy to Kings, and the Chronicler's history which includes the books of Chronicles, Ezra and Nehemiah.[1]

Form-critical studies in the Old Testament have turned up a number of literary speech-types of a legal nature which exhibit rhetorical forms. Of particular interest has been the recognition of the prophetic type which Gunkel and Begrich[2] called "Gerichtsrede," or "lawsuit." This form basically consists of two elements, a description of the trial scene and the speech of the plaintiff.[3]

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[1]For additional details in the development of Old Testament historiography see the standard Old Testament introductions. The writer has consulted Ernst Sellin, Introduction to the Old Testament, completely revised and rewritten by Georg Fohrer and translated by David E. Green (Nashville: Abingdon Press, 1968) and Otto Eissfeldt, The Old Testament, An Introduction, trans. by Peter R. Ackroyd (New York: Harper and Row, 1965).

[2]Hermann Gunkel and Joachim Begrich, Einleitung in die Psalmen: Die Gattungen der religiösen Lyrik Israels (Göttingen, 1933), p. 329.

[3]Herbert B. Huffmon ("The Covenant Lawsuit in the Prophets," JBL LXXVIII [December, 1959], pp. 285-295) and G. Ernest Wright ("The Lawsuit of God: A Form-Critical Study of Deuteronomy 32," Israel's Prophetic Heritage, edited by Bernhard W. Anderson and Walter Harrelson [New York: Harper and Brothers, 1962], pp. 26-67), show clearly that the "divine lawsuit" or rib (controversy) speech pattern is a prophetic speech form.

According to Huffmon's outline of the basic and alternate forms of the covenant lawsuit, the prophetic oracle is built around the speech of the plaintiff. This address by the prophet may refute the anticipated arguments of the defendant, so thoroughly accuse the defendant as to leave no room for a defense, or include a short defense. The prophet, speaking on behalf of the plaintiff, does not appear to emphasize the defense of the accused (Ibid., pp. 285-289).

Hans Boecker,[1] working with some of the same prophetic speech traditions, argues that these legal-type speeches derive their basic literary forms from the actual legal proceedings which were practiced in the "secular" life of Israel's history.[2] According to Boecker, the speeches of the prophet as advocate for the plaintiff Yahweh are to be taken as Yahweh's defense in reply to the accusations of his people. He writes:

> Der zweite wichtige Beleg einer Verteidigungsrede in eigener Sache aus dem Bereich der prophetischen Literatur steht in Mi 6: 3-5. Auch hier verteidigt sich Jahwe gegen die ihm gegenüber erhobenen Anklagen. Der Charakter dieser Verteidigungsrede ist aber anders als der von Jer 2:29-35. War die Verteidigung dort gekennzeichnet durch den scharfen Gegenangriff, so führt der Angeklagte sie dagegen in Mi 6:3-5 im wesentlichen durch den Beweis seiner Unschuld. Diese Form der Verteidigung entspricht derjenigen in Jer 26, die in Jer 2:29-35 geübte Verteidigung dagegen mehr derjenigen in 1 Kö 3.[3]

The discussion of the Old Testament legal speech forms has raised two questions. Are the speeches of accusation to be distinguished by their form from the defense speeches (Verteidigungsreden)?

In the Festschrift for James Muilenburg, G. Ernest Wright has clearly shown that the lawsuit in Deuteronomy 32 is built on the prophetic rib speech form. It does not have a defense speech and the oracle occurs in poetic rather than prose form (Ibid., pp. 26-36).

Claus Westermann (Basic Forms of Prophetic Speech, trans. by Hugh Clayton White [Philadelphia: The Westminster Press, 1957] 199-204), cautions against taking the legal dispute speech forms as basic prophetic speech forms. He sees them as "borrowed speech forms" which function as variations of the prophetic judgment-speech.

[1]Hans Jochen Boecker, Redeformen des Rechtslebens im Alten Testament (Neukierchen-Vluyn: Neukirchener Verlag, 1964). For a favorable review of Boecker's thesis see the review by Erhard Gerstenberger in JBL LXXXV (September, 1966), pp. 376-378).

[2]Boecker depends heavily on the three complete descriptions of court trials found in 1 Kings 3, 21 and Jeremiah 26 (Ibid., p. 74).

[3]Boecker, op. cit., p. 101.

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Should we compare defense speeches found in the writings of history (1 Kings 3) with those speeches recorded by the prophets (Jer. 2:29ff., Jer. 26, Micah 6:3ff.)?

The first issue is a problem for Old Testament form-criticism. The second question has been considered earlier in this investigation, though not in respect to defense speeches found in the Old Testament. Perhaps the writers of the Old Testament literary compositions and/or the later editors who worked over the literary traditions were not cognizant of such genre distinctions as history and prophecy. In any event, to be consistent with its methodological limitations, this investigation must limit its concern to the defense speeches that occur in Old Testament historiography.[1]

Boecker mentions two defense speeches which occur in Old Testament historical writings.[2] These are found in 1 Samuel 22 and 1 Kings 3.

1 Samuel 22: 11-18

In the case against Ahimelech the priest, the charge of conspiracy is made on the basis of a report that aid was given to David the enemy of King Saul. There is no trial before a court but rather a summons to answer to the king. In this very short speech there is no opening term of address and no introduction. According to Boecker, the lack of any counterattack in the defense shows that

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[1]We therefore have omitted the Jeremiah (2.29ff., 26:14, 15) and Micah (6:3ff.) defense speeches from our analysis.

[2]Boecker, op. cit., pp. 94-105. The trial of Naboth (1 Kings 21), though mentioned by Boecker, is not included by reason of the absence of a defense speech.

the speaker is confident of his innocence. Contrasting the two forms of the defense speech he asserts:

> Hier steht im Mittelpunkt der Beweis für die eigene Unschuld (Mi 6:4-5) oder die Erklärung für die Handlungsweise, die vom Rechtsgegner angegriffen wird (Jer 26:12ff.; 1 S 22:14f.)....Der Angeklagte ist so sehr von der gegen ihn vorgebrachten Anklage betroffen, dass er sich mit seiner Verteidigung direkt dem Ankläger zuwendet. Es lässt auf ein grosses Mass an Überlegenheit und Ruhe schliessen, wenn dies nicht geschieht, wie z.B, bei der Verteidigung Jeremias (Jer 26).[1]

The speech may be long enough for Boecker to note its type but it is hardly adequate for comparing literary forms. It appears that such formal analysis is more accurately to be defined as content analysis.

The historian nevertheless, has provided a historical frame which introduces the judgment scene and concludes with the verdict of the judge and the execution of the sentence.

1 Kings 3:16-27

The story of the two harlots who come to king Solomon for judgment in the case of two sons, one living and one dead, presents an accusation speech rather than a defense address. As Boecker admits, in this report we are given "weitere Einsicht in den Charackter der Verteidigungsrede." He goes on to explain that in the decision of the second woman to make a countercharge rather than to question the accusation or defend herself of the charge we are made aware of the variation which can be found in the Old Testament defense speeches.[2]

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[1]Boecker, op. cit., p. 105.

[2]Boecker, op. cit., p. 96. Boecker is not always clear on whether this variation in the defense speech is one of "Form" or

Since the counter attack involves the one statement (v. 22), "No, the living child is mine, and the dead child is yours," we have no basis for speaking of the form of the defense.[1]

The Old Testament Apocrypha

The historical books in the Old Testament Apocrypha are generally listed as 1 Esdras, 1, 2, 3 Maccabees. While one-sixth of 1 Maccabees is taken up with speeches,[2] not one defense speech appears in this Jewish work dating from the second century before Christ. Defense speeches are also absent from 1 Esdras and 3 Maccabees. The only composition in which we read of trials and the possibility of defense speeches is 2 Maccabees.

2 Maccabees, an epitome (ἐπιτομή) or condensation of a religious history written by Jason of Cyrene, a Hellenistic Jew who has been described by Pfeiffer as "a typical Hellenistic historian" producing a work of "romanticized history and rhetorical

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"Charakter." His analysis appears to be further complicated by his rooting the speeches in the legal proceedings of Israel's community life yet pointing to the prophetic accounts for their better defined order. "Es wird vor den israelitischen Gerichtshöfen meist nicht in der besonnenen Ruhe argumentiert worden sein, wie es Jeremia nach Jer 26 getan hat (Op. cit., p. 96).

[1]Unless otherwise indicated, all quotations from the Old and New Testaments are taken from The New Oxford Annotated Bible with the Apocrypha, Revised Standard Version, edited by Herbert G. May and Bruce M. Metzger (New York: Oxford University Press, 1973).

[2]Boecker, op. cit., p. 96.

style."[1] But the evidence, as Gärtner points out,[2] does not support this viewpoint. The presence of numerous inserted speeches and rhetorical flourishes typical of such writers as Dionysius of Halicarnassus, Livy or even Josephus are not to be found in this first century B.C. Jewish history.[3]

In 2 Maccabees 6:11 we are told of some of the faithful who endeavored to keep the seventh day secretly. They were betrayed to the authorities and put to death "since they scrupled to defend themselves, out of regard to the honour of that most solemn day."[4] It is not clear as to the nature of the defense they declined to offer. Perhaps the term "defend" here is used in the sense of a physical defense against being captured.

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[1]Robert H. Pfeiffer, History of New Testament Times with an Introduction to the Apocrypha (New York: Harper and Brothers Publishers, 1949), p. 518.

[2]Bertil Gärtner, op. cit., pp. 21, 22.

[3]Various dates have been offered for the composition of 2 Maccabees, a work of history that actually has nothing to do with the revolt of the Maccabees. The original composition of Jason of Cyrene is generally dated in the last half of the second century B.C. The Greek text of the epitomist is dated by Eissfeldt (The Old Testament, An Introduction, trans. by Peter R. Ackroyd [New York: Harper and Row, 1965], p. 582) in the end of the first century B.C. Solomon Zeitlin ("A Survey of Jewish Historiography," JQR LIX 1968-1969 , pp. 175, 176), however, has chosen to date the book by Jason either at the time of king Herod (38-34 BCE) or in the days of Agrippa I (41-44 CE). If the Agrippa date is taken for the earlier composition, it does not leave much room for the later Greek digest. According to Eissfeldt (Loc. cit.), the terminus ad quem of this Greek condensation would have to be 70 A.D. since the writing "clearly presupposes the undamaged condition of the Jerusalem Temple."

[4]All quotations from the Jewish Apocrypha are taken from The Apocrypha and Pseudepigrapha of the Old Testament, ed. by R. H. Charles (2 vols.: Oxford: Clarendon Press, 1913).

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There are a number of short speeches on the occasion of the martyrdom of seven brothers and their mother (7:1-42) who were arrested and tortured for refusing to eat swine's flesh. The thrust of the remarks of the mother and her sons was an exhortation to each other to be faithful in the face of death. The short utterances directed toward the king were of the nature of warnings and curses. The first and last boy declare to the king that they are more than willing to die if the only alternative is to disobey their "fathers' laws."[1] The brevity of the remarks as well as their content preclude our accepting them as defense speeches. It is also to be noted that the writer does not describe the scene as a trial nor does he indicate that the remarks of any of the arrested ones are to be taken as a defense. In any case, the "speeches" are too short to provide a basis for formal study.

Philo

Philo (c. 30 B.C.-45 A.D.), the Jewish philosopher of Alexandria, is known for his attempts to interpret the Pentateuch in the light of Hellenistic philosophy. He did, however, write two works dealing with history. Flaccus (In Flaccum) treats the persecution of the Jews in Alexandria in the time of Flaccus, the Roman prefect in Egypt. The treatise entitled Περὶ ἀρετῶν (Concerning Virtues) is not, strictly speaking, a historical composition as was Flaccus. But the first part of this rather philosophical

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[1] 2 Maccabees 7. 2, 3, 37.

work does include a historical narrative describing Philo's embassy to Gaius, the Roman Emperor, on behalf of the Jews.[1]

In Flaccus two trials are mentioned, that of Lampo (Λάμπων) and the case against Flaccus. The trial (δίκη) of Lampo is briefly described as having lasted two years.[2] There is no indication that a defense was given by or for this man who later accuses Flaccus. Philo does not go into detail on the trial of Flaccus except to draw some lessons from the fact that the main accusers of this Egyptian ruler were two of his former subjects. The accusation and defense (κατηγορίας καὶ ἀπολογίας) are only noted in reference to the remark that Gaius had already decided for himself that the accused was guilty.[3] There is no defense speech reported, whether in direct or indirect discourse.

We are in no better position with the narrative on Gaius. Philo records the injustice of Gaius in refusing to grant a proper hearing to the embassy and in assuming the role of an accuser rather than that of a judge.[4] Josephus concurs in his reporting of the proceedings, explaining that Philo was not permitted by Gaius to offer the defense against the accusations of Apion, one of the Alexandrian delegates.[5]

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[1]It is no doubt due to the incomplete state of the text and the historical aspects of the content that this opening section of the larger work has come to be known under the separate titles of Legatio (Embassy) or Legatio ad Gaium (Embassy to Gaius).

[2]Philo In Flaccum 128. [3]Ibid., 126.

[4]Philo Legatio ad Gaium 349, 359-367.

[5]Josephus Jewish Antiquities 18. 259, 260.

Flavius Josephus

Flavius Josephus (A.D. 37-c. 100) wrote two historical works whose dates of publication are roughly contemporary with the dates given for the writing of the New Testament books. The Wars of the Jews was produced in A.D. 75 and The Antiquities of the Jews in A.D. 93.

Professor Zeitlin describes the practice of Josephus of putting "speeches in the mouths of the leading characters" as conforming "to the convention of the Greek and Roman historians, of whom the master was Thucydides."[1] These speeches, Zeitlin affirms, are divided into two classifications, the imagined speeches and those for which Josephus had a nucleus to support his elaboration. The literary form of both types of speeches was of course the work of the historian.[2]

Josephus makes reference to a number of defense speeches in his coverage of Jewish history.[3] The personalities involved in such

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[1]Solomon Zeitlin, "A Survey of Jewish Historiography," JQR LIX (1968-1969), p. 186.

[2]Loc. cit.

[3]Twenty trial or defense scenes have been noted in this survey of the historical writings of Josephus, thirteen of which specifically mention that a trial, council, hearing or inquiry was officially held: War 1. 185; 1. 210, 211; 2. 14-38; 2. 245; Antiquities 10. 90-92; 10. 115; 15. 31-38; 15. 229-236; 15. 354-359; 16. 335-350; 16. 361 (War 1. 538-551); 17. 89-133 (War 1. 617-640); 17. 299-317 (War 2. 80-92). In seven episodes involving a defense before a ruling figure the specific nature of the confrontation is not described: War 1. 243; 1. 507; Antiquities 14. 44, 45 (War 1. 135); 14. 141, 142; 14. 278; 15. 83 (War 1. 441-444); 16. 91-126 (War 1. 452-454). Josephus also includes in his account a number of brief references to persons who were accused and sentenced or pardoned (e. g. Salome, War 1. 487), but his information is too limited for our use.

trials are by no means to be considered as insignificant characters. Among the defendants are to be found the sons of Herod, Herod himself, Mariamme, Aristobulus and Agrippa. An analysis of twenty accusation and defense episodes found in the writings of this Jewish historian reveals that in four instances Josephus does not mention the defense. On one occasion (at least) this absence of a defense is due to the deliberate decision of the writer.[1] In two episodes the historian records that no defense was made.[2] Seven accounts merely mention or describe the defense offered by the accused or on his behalf. The defense speech is presented in indirect speech on four occasions.[3] In only three of the twenty trial and defense reports do we find a defense speech in direct discourse and to these we now give careful consideration.

Alexander

According to Josephus, after the death of Mariamme, Herod indicts her two sons, Alexander and Aristobulus, with an attempt on

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[1]Josephus does not record Jeremiah's defense (Antiquities 10. 90-92) even though the Old Testament records one (Jer. 26:12-15; LXX 33:12-15). See also above, p.129.

[2]When Herod tries his sons, Alexander and Aristobulus, they are not allowed to be present and there is no indication that anyone stood up for them in their absence (War 1. 538-543). In the case of Mariamme the record is not clear. But despite the discrepancies in the various accounts of the trials and accusations against this wife of Herod (Cf. War 1. 441-444 and Antiquities 15. 83, 229-236), on one occasion she chooses to be silent (Antiquities 15. 235).

[3]Josephus, Antiquities 14. 141, 142; 15. 31-38; War 1. 507; War 2. 34-36.

his life.[1] In the accusations made before Caesar the charges are presented in indirect speech. The 70 line reply of Alexander in direct speech is not labelled a defense by the historian but is so identified by the speaker at the beginning of his conclusion: "πλείω μὲν ἀπολογεῖσθαι δυνάμεθα" (Although we can say more in our defence).[2]

The address opens with a sixteen line captatio benevolentiae directed to the father who is addressed once in the introduction and once in the eleven line conclusion. Caesar's favor is also courted in this first part of the defense through the complimentary words obliquely aimed for his ears.

The main body of the speech opens with the specific reference to the charges. The accusations are rebutted with affirmations of innocence, challenges to prove the truth of the incriminations, and twelve rhetorical questions the answers to which make the guilt of these two young princes implausible.

The conclusion is clearly marked through the speaker's admission that he will not say more and his final appeal for the father's acceptance of the blamelessness of his sons. There is also the repetition of the closing thoughts of the introduction. The defendant speaks of the futility of life if the suspicion of the father is not overcome.

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[1]Josephus Antiquities 16. 91-126. The account as given in the War 1. 452-454 does not mention Aristobulus nor does it include the speeches.

[2]Ibid., 16. 118.

Josephus closes the account with a further description of the tears and other emotions evident on the part of the sons and the bystanders and with a report on the verdict of Caesar which leads to a reconciliation of the boys with their father. The entire address[1] uses the first and second person verb forms. There are no dialogue and no interruptions.

Nicolas

Nicolas is mentioned by Josephus as having made before Caesar in Rome a speech on behalf of Herod who had been charged with making an unwarranted attack against the inhabitants of Arabia.[2]

This address, however, has certain peculiarities which should be noted. It is not called a defense[3] but rather takes on the nature of an accusation. The historian begins the account with a description of the speech and then moves into indirect discourse at the point when Caesar inquires into the truth of a specific charge against Herod. The utterance soon turns to direct discourse and continues in this manner for 26 lines. Though the charge was answered by the time the direct speech ends, the speaker does not draw his argument together with a conclusion. In fact, the reaction of Caesar in turning to the accuser in anger appears to be an interruption in the speech. But be that as it may, we hear no more of Nicolas and his address in Rome.

Since this speech on behalf of Herod is only partially presented in direct address it does not lend itself to comparative

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[1]Josephus Antiquities 16. 105-120.

[2]Ibid., 16. 339-350.

[3]Ibid., 16. 338.

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analysis. We turn, therefore, to the third and last speech to be found in Josephus having the nature of a defense.

Antipater

On one occasion our Jewish historian records a scene in which Antipater is on trial before his father, Herod. Varus, the governor of Syria, serves as judge at the request of Herod.[1]

In the course of the narration Antipater is described as working on his defense (καὶ τότε μὲν ἀνανήφας ἐν σκέφει τῆς ἀπολογίας ἦν).[2] When the council (συνέδριον) assembles and the witnesses are in place Antipater enters and falls on his face pleading for a fair hearing. According to the historian's account Antipater appeals as follows:

> ἱκετεύω, πάτερ, . . . μηδέν μου προκατεγνωκέναι, παρασχεῖν δέ μοι τὰς ἀκοὰς ἀκεραίους εἰς τὴν ἀπολογίαν· ἀποδείξω γὰρ ἐμαυτὸν καθαρόν, ἄν σὺ θέλῃς (I beseech you, father do not condemn me in advance, but lend an unprejudiced ear to my defence; for I shall, if you permit, establish my innocence).[3]

Herod, after commanding his son to be silent, addresses the judge, indicting Antipater for attempted parricide and advising Varus not to trust the defense of the accused. This speech is presented in direct address in 56 lines. We are then told by the historian that Herod was overcome by emotion and not being able to

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[1]Josephus War 1. 617-640. [2]Ibid., 1. 619.

[3]Ibid., 1. 621. Josephus varies in his method of presenting the speeches. In Antiquities this request of Antipater (17:19) as well as his later speech (17. 100-105) are put in indirect address. On the other hand, the accusation of Nicolas appears in both indirect and direct speech in Antiquities (17. 107-120) but is only briefly described in War (1. 637, 638).

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say more gave the nod (ἐνεκόπη) to Nicolas his friend to introduce the evidence against Antipater. At this juncture of the trial the accused raises his head and from his position at the feet of his father makes a speech (in tears) nearly as long as Herod's (43 lines).

It is important to note that the judge has not called for this speech and the accused does not claim that it is a defense. He claims in his opening words that his father has already made his defense: " σύ, πάτερ, ὑπὲρ ἐμοῦ πεποίηκας τὴν ἀπολογίαν ".[1] Later he adds that the letters from Caesar which speak of his love for his father will be his only defense (ταῦτα ἀπολογία μοι μόνη).[2] And when Varus finally does call upon Antipater for his defense (Οὔαρος δὲ ἀπολογεῖσθαι κελεύσας τὸν Ἀντίπατρον), except for calling upon God as the witness to his innocence (θεός ἐστίν μοι τοῦ μηδὲν ἀδικεῖν μάρτυς) Antipater is silent.[3]

The form of this speech is not easily discernable. There is no introduction with a claim of blamelessness or the presence of a captatio benevolentiae. The speaker immediately raises the first of eleven rhetorical questions suggesting that he could not be a "parricide." The term of address, πάτερ (father), which opens the speech, occurs three more times in the body and once in the conclusion, if we take as the transition to the concludion the reference that he stands as one accused of being the "πατροκτόνος " (parricide). This supposition is reinforced by the use of this same term (parricide) at the very close of the speech. The placement of this crucial word which

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[1]Josephus War 1. 630. [2]Ibid., 1. 633.

[3]Ibid., 1. 639.

sums up the basic "charge" appears to function not only as a frame for the conclusion but in its repetition in the first rhetorical question of the speech the entire speech is united in a "ring" composition. If such is the case, then we are left with a one-line introduction, since the rhetorical questions have usually been found in the body of the defense rather than in an introduction.

It should also be noted that the term "αἰτία" (charge), so common in defense speeches, does not occur in this speech. And since Antipater speaks at a point in the trial prior to the specific charges brought by Nicolas on behalf of the king, such accusations are not treated in this address.

The foregoing description of Antipater's speech raises serious questions as to labelling it as a strict apology. The one line opener can hardly be called an introduction, the content does not deal with the charges introduced by the accuser, and neither the historian nor the speaker identifies the speech as a defense. In fact, the historian specifically states that the accused made no defense except by way of an affirmation of his innocence. These factors plus the recognition that it does not appear to be the practice of Josephus to present his defense speeches in direct discourse have led us to label this address as a quasi-defense speech.

We conclude that the only clearly designated defense in direct discourse to be found in the historical writings of Josephus is the speech of Alexander.[1] Yet his account includes many occasions

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[1]See above, pp. 136-138.

which would have provided the historical justification for the insertion of such a speech. Even in the case of Agrippa[1] who ἐκθύμως ὑπεραγωνιζόμενος (made a spirited defence) before Caesar on behalf of the Jews, Josephus refrains from constructing a discourse. This paucity of defense speeches in the historical compositions of Josephus is not easy to explain in the face of the prevailing general opinion that Josephus followed the practices of Hellenistic historiography in his insertion of speeches.[2]

Summary

The net result of the survey of defense speeches in Jewish historiography is rather small. The historical sections of the OT are short on defense speeches but the pregnant suggestion of Boecher that the basic literary form of the legal-type speeches found in the OT have been developed from the actual legal proceedings characteristic of Israel's "secular" life will need to be remembered. Likewise, the portions of the Jewish Apocrypha and the writings of Philo which could be described as historical provided little assistance in the analysis of ancient literary forms for an apology. It is only when we come to Josephus and his coverage, at least in part, of some twenty trials and hearings do we find two defense speeches in direct discourse. And even one of these was considered to be a quasi-defense.

One clearly defined defense speech in direct discourse out of 26 trial episodes[3] is hardly a broad enough base to support the claim

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[1]Josephus War 2. 245.

[2]See above, pp. 18, 19, 135.

[3]See Appendix II, Table 1.

that one had established a defense speech form for Jewish historiography. But perhaps the two speeches to be found in the writings of Josephus can be used to shed light upon the form of such defense speeches as did appear in Greek writings roughly contemporary to the time of Luke.

Historical Sources

The fourth and final "historical tradition" to be explored in our endeavor to locate the literary forms which influenced Luke's composition of the defense speeches of Paul in Acts is that tradition created by the existence of a variety of official and semi-official historical documents. The differences in type and literary intention make the classification of these materials difficult. For lack of a better term these written items have been categorized as "historical sources." We include under this general heading the letters of Pliny the Younger, the reports of official proceedings and the accounts of the martyrs.

Pliny the Younger

Gaius Plinius Caecilius Secundus (A. D. 62-c. 113), better known as Pliny the Younger, composed nine books of letters between the years 97-109 A. D. A tenth book contains his official correspondence with Emperor Trajan concerning his acts as governor of Bithynia. Though this good friend of Tacitus describes defense speeches he does not produce them, even when he was present at the trial and made the speech of accusation.[1]

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[1]Pliny Letters 2. 11.

Official Proceedings

One intriguing possibility for the source of a literary form having to do with legal proceedings is to be found in the official and semi-official reports of the court actions. It is perhaps going too far to suggest much literary assistance from the Annales Maximi[1] but it should not be ruled out a priori that protocols found in the papyri from Graeco-Roman Egypt do not represent a source available to historians and other chroniclers of the past and do not have some degree of literary form.

According to Revel A. Coles[2] the normal style of the Ptolemaic reports of proceedings presented the declarations of the contending parties in narrative language and the decisions in oratio obliqua (indirect discourse). The earliest dated documentary evidence of reporting in oratio recta (direct speech) appears in P. Oxy. 37 dated A. D. 49.[3] In this account there is one speech, a 16-line

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[1]The record by years of the various magistrates and the more notable events of their tenure listed according to date of occurrence was first published, according to J. P. V. D. Balsdon ("Some Questions about Historical Writing in the Second Century B. C.," CQ III n. s. [1953], p. 162), in eighty books by Pontifex Maximus P. Mucius Scaevola in 120 B. C.

[2]Revel A. Coles, Reports of Proceedings in Papyri, Papyrologica Bruxellensia (Bruxelles: Fondation Égyptologique Reine Élizabeth, 1966), p. 9.

[3]We cannot be sure, however, that the official records contained the speeches in direct discourse. Plutarch (Cato The Younger, 23) mentions that Cicero had taught the clerks of his day (63 B. C.) a form of shorthand writing and had them dispersed throughout the senate. And according to Suetonius (Caesar 20) official minutes of the senate proceedings were made regularly by the time of Julius Caesar (59 B. C.). But we do not know how widespread was the practice of regularly taking the minutes, if shorthand was used, or if the speeches were taken verbatim. The accounts we have in the papyri are only private copies made of the official records and such speeches as do occur could represent

legal charge presented by the lawyer for the plaintiff. The reply of the defendant is recorded in just under six lines. The direct speech is introduced by giving the name of the speaker without verbs of "saying".[1]

In analyzing a later papyri, designated as P. Fam. Teb. 24 (A.D. 124), Coles noticed that the speeches of the presiding officials were in oratio recta while those of the participants were in oratio obliqua. Judging that the interest of the original files would have been directed to the officials, Coles draws two conclusions which are of interest for our investigation.

> We may conclude, then, that as late as A.D. 124 reports of proceedings were taken down in longhand, so that the speeches of the parties were given more or less in noteform....thus the Oratio Recta format which is virtually universal in the protocols of the first century A.D. must be artificial and only quasi-verbatim.[2]

If it is reasonable to hold that there is some correlation between the recording of proceedings mentioned by Plutarch and Suetonius and the copies of similar court actions which have been preserved in the papyri from Greco-Egypt[3] it may be concluded that interested parties in the time of Luke were able to produce private copies[4] of official documents of legal proceedings of the state and

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the work of the copyist. For further discussion of this problem see Revel Coles, op. cit., pp. 9-16.

[1]Select Papyri (Loeb Classical Edition) Judicial Business 257.

[2]Revel A. Coles, op. cit., pp. 18, 19.

[3]Coles bases his findings on a study of papyri which are indexed in the appendix to his work (Ibid., pp. 55-63). Of these papyri two texts date from the first century B.C. and 14 are located in the first century A.D.

[4]Through his study of the papyri containing such unofficial records of the protocols, Coles has been able to conclude that except for the possible omission of some details of no interest to the copyist the

felt free to insert speeches, according to where their interest was placed, based upon the official notes of the proceedings.

The actual speeches are not treated by Coles[1] but his discussion of the protocol structure does offer some useful information on the literary framework surrounding the trial speeches. According to Coles,[2] the structure has four main divisions: the introduction with its formulae, the trial and its speeches, the decision of the judge, and the items of conclusion such as the signature of the scribes.

The introduction contains three elements, the date of the trial, the location, and the participants. The latter two parts are understood by Coles to be quite close to the original in form and content.

The second unit in the structure of the protocol is the body of the trial with its various types of speeches, their introductions, and short intermediate narrative passages. The introductions consist of the description of the speaker and the verb of "saying". In the first century of our era the participants were introduced for their first appearance in the trial with some detail but on subsequent speeches they were merely named. It is just reversed for the presiding official. He is introduced at the beginning with a name or title but when he pronounced the judgment (κρίσις) his name and title are more prominently announced. The introductory verbs of

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private copies are about the same length as the originals and exhibit recognizable "protocol" structure and formulae (Ibid., p. 19).

[1]Perhaps it was not the purpose of Coles to include a detailed analysis of the speeches in his study of the structure of the entire legal court proceeding. In any case it remains a question for this writer as to the possibility of such an investigation. In a survey of the Oxyrhynchus Papyri treating legal proceedings not one complete speech was found, whether of the plaintiff, accused, or judge.

[2]Coles, op. cit., pp. 29-54, et passim.

"saying" were omitted in the first century A.D. but in the second century the protocols used the genitive absolute participial construction with indirect discourse or a mixture of εἶπεν with either the genitive absolute construction or other indicative verbs such as ἀπεκρίνατο or προσέθηκεν . Coles mentions two categories of narrative passages, the "reading" phrase, relating to the reading in court of written materials pertinent to the case, and the instruction phrase or " ἐκέλευσεν -formula." This latter phrase may also occur in the account following the κρίσις where the presiding official gives instruction based upon his judgment. When it appears in the body of the trial it refers to instructions directed to members of the court, often respecting the parties at trial.

The third section of the protocols or ὑπομνηματισμοί is the κρίσις or judgment of the presiding officer. Since the official protocol or record of the trial was a record of this official's activities, this judgment becomes the focal point of the entire account of the proceeding. If there is any direct speech in the protocol it will at least include this pronouncement (and usually the official's ordinary comments as well). In addition to the distinctiveness of the description of the speaker (mentioned above) the κρίσις may also be highlighted by the use of the dative of address, though this formula does appear in the body of the trial as well.

The fourth unit of the structure concludes the framework of the protocol and contains one or more of the following elements: a notation of the exit of the ὑπηρέτης (assistant) of the court, a conversation involving the presiding officer, the official certification

of the record,[1] and the ὑπογραφή or subscription of the copyist or court scribe.[2]

From the foregoing review of Coles' work in the papyri from Graeco-Roman Egypt it is obvious that the legal proceedings were presented officially and unofficially in some type of literary form. Apart from their use as official records of the court and personal papers of the official it may be difficult to finalize on the motives which led to the production of unofficial reports adapted for further personal and public use. But granting the problems of dating the dramatic events, the fragmented condition of the sources, and the extent to which we may assume these documents from Egypt represent the protocol form followed in other parts of the Roman empire, this much may be reasonably suggested. No doubt these legal reports along with the Annales Maximi and such personal accounts as Caesar's Commentaries would have been useful for the historians, especially the historical biographers who were popular in the Imperial period of Roman history. If such writers found in these reports a source for the content of their historical productions it is not inconceivable that they would (or at least could) have been influenced by the literary form of this material. In fact, there seems to be some support for this hypothesis in the genre of literature known as the "Acts of the Martyrs," to which we now give attention and conclude our survey of the historical literary traditions.

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[1]According to Coles (Ibid., p. 52, n. 4) this certification or "ἀνέγνων -factor" has not been found in papyri earlier than 108 A.D.

[2]This element appears "sporadically in our texts from before Byzantine times" and then without consistent verbal form (Coles, op. cit., p. 54).

Acts of the Martyrs

The martyrdom literature has been divided or classified from two points of view. In terms of general content there are the "Christian Martyr-Acts" and the "Pagan Martyr-Acts," the latter also collectively known as the Acta Alexandrinorum. From the point of view of form the Acts of the Christian martyrs have been broken down into Acta proper and the broader category designated as Passiones.[1] Though there is disagreement in detail as to the specific literary types in each category, there is general agreement on the basic distinctions made by the Bollandist Père Delehaye. He classified as Acta those documents which appeared to have been based upon official court records or eye witness accounts.

> Théoriquement la première place revient aux procès-verbaux officiels de l'interrogatoire des martyrs. L'existence de relations de cette espèce, déposées dans les archives du proconsul, est attestée par plus d'un témoignage....
> ....Les pièces que l'on décore du titre d'Actes proconsulaires sont en général des compositions destinées à l'édification des fidèles et où le texte officiel de l'interrogatoire, scrupuleusement respecté, forme le fond principal du récit.[2]

The Passiones are described as "historical romances," i.e., narrative accounts in which the creative imagination of the writer played upon a few basic historical elements.[3]

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[1]E. C. E. Owen, Some Authentic Acts of the Early Martyrs (Oxford: Clarendon Press, 1927), p. 11.

[2]Hippolyte Delehaye, Les Légendes Hagiographiques (Brussels: Société des Bollandistes, 1927), p. 106.

[3]Ibid., p. 108.

According to Herbert Musurillo, these Acta, whether Christian or pagan, exhibit the "protocol" form. Stressing their external formal similarities he asserts:

> Externally, of course, in both types of martyr-acts there is the use of the "protocol" style (an imitation of the official protokolloi or commentarii, the authentic minutes of the trial), the emphasis on sharp verbal exchanges, the display of a heroic contempt for death, and at times (though this is rare in the authentic Christian acts) a caricature of the Roman officials involved.[1]

The agreement of the two literary traditions in respect to their external form is explained by Musurillo as the result of the two types of heroes, Alexandrian Greeks on the one hand and Christians on the other, being persecuted by the same "legal machine of Rome."[2] By inference it is argued that the pagan community of Alexandria had access to the same type of information as was made available to members of the Christian community. As Musurillo explains:

> From various Christian acts, we know that a strict record was taken down by exceptores or notarii of all that was said or done during the trial; and once the account was read back and checked by the presiding official it was a grave offence to add anything irrelevant or change any detail. The approved commentarii or acta were then kept in official Roman archives. Access could be had to these archives for the purposes of reference, but so far as we know they could not be removed. However, there must have been the usual leakage due to bribery or corruption; many officials tried to recover Acta that had been "loaned out," while others in consequence forbade any commentaries to be written during the trials.[3]

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[1]Herbert A. Musurillo, "The Pagan Acts of the Martyrs," ThSt X (December, 1949), p. 556. E. G. Turner (Greek Papyri, An Introduction [Princeton: Princeton University Press, 1968], p. 128) emphasizes that while the acta are not "straightforward copies" of the official minutes they are composed in "the form expected of such minutes and certain detailed entries appear to be drawn from them."

[2]Ibid., p. 557.

[3]Ibid., pp. 557, 558.

It does seem reasonable for Musurillo to assume that if protocols were in existence and if the same information underlying the reporting of these legal proceedings was in fact available for the Christians who produced accounts of their heroes in similar form, the pagan writers, whose works correspond in form to that of the Christians, must have used the same methods in the composition of their *acta*.

This hypothesis would explain how two types of martyr literature can be similar in form yet without literary interdependence. And if the protocol did indeed provide the literary models for the martyrdom *genre* of literature it is not unreasonable to assume that such literary forms could have been borrowed in the composition of other literature which involved the accounts of the trials of other or similar heroes who faced that same "legal machine." Before commenting further on the implications of this correlation between the protocol form and the form of the *acta* for the purposes of this investigation, there are problems to be faced regarding the dates of these martyrdom accounts and the extent to which we have defense speeches for comparative analysis. In order to treat these issues adequately we now direct our attention more specifically to the two types of *acta*.

Acta Alexandrinorum

The *Acta Alexandrinorum* or Pagan Acts of the Martyrs are literary accounts of the trials, tortures and subsequent executions (in most instances) of certain Alexandrians by the Romans during the years covered by the Roman emperors who ruled from the times

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of Augustus to Commodus (27 B.C. to A.D. 192). The dates of the composition of the literary accounts, however, are much less certain. What we have consists of papyrus fragments dating for the most part from the late second or early third centuries.[1] Judging from the variation in the accounts and from the fact that many of the acta as we have them were written on the reverse sides of old business records, it seems clear that our texts are copies. Any attempt to ascertain the original form of the pagan acta is therefore frustrated not only by the fragmentary condition of the Sourses but by the uncertainties introduced by reason of the various recensions.[2]

Musurillo, nevertheless, has made some comparative studies between the present form of the Acta Alexandrinorum and the protocols. Holding a position on the protocol form quite similar to that of Coles,[3] he notes the following differences in the construction of

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[1]A few of the papyri, however, such as the "Boule Papyrus" (A.D. 50-100) and the Acta Pauli et Antonini (Recension A, A.D. 117-157), have composition dates earlier than the end of the second century and prior to the earliest extra-biblical Christian martyrdom account (Polycarp, A.D. 156). Since the dramatic dates and the acta dates can be found earlier in the pagan martyrdom literature than in the Christian, we have treated the pagan martyr-acts first. Musurillo (Op. cit., p. 563) goes so far as to say that "it does not seem unreasonable to suggest that the fact that the commentarii of the trials of the Greeks had been in circulation may well have stimulated the Christians to set about securing the Acta of their own martyrs."

[2]Musurillo, op. cit., pp. 556-558.

[3]For Coles' analysis, see above pp. 146-148 . Musurillo has concluded that the words of the presiding official are "usually (though not always) given in direct discourse; but often the speeches of the parties involved are given in indirect discourse." He also adds that "except when dealing with the speeches of rhetors, the testimony is usually....brief, prosaic, and businesslike" (Herbert A. Musurillo, ed., The Acts of the Pagan Martyrs [Oxford: At the Clarendon Press, 1954], pp. 249, 250).

the pagan acta. The "caput" (κεφάλαιον)or introduction, giving the names of the parties and their rhetors, the type of document (excerpt or copy), and the date, rarely appears. The name of the magistrate is mentioned in only about half of the extant acta fragments. The body of the trial consists mostly of dialogue with the defendant's speeches always appearing in oratio recta. When the verb of saying is not omitted it is nearly always εἶπεν . In respect to the closing sections of the account, the κρίσις(judgment) will appear at times but the certification (σφραγίς) and signing (ὑπογραφή) of the protocol form are missing.[1]

These dissimilarities in the form of the acta from the structure of the protocols are not necessarily, as Musurillo has suggested, indicative of a "reworking of the various fragments" or of an intentional departure from the protocol form. The omission of the headings and the certifications may be as reasonably explained on the basis of the fragmentary state of the text. Only two of the eleven texts which Musurillo lists as acta fragments contain as much as a partial introduction. In both of these (Acta Isidori and Acta Hermiae) the names of the magistrate and certain involved individuals are given. In not one of the eleven accounts do we have the conclusion of the legal proceeding and in most cases

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[1]Herbert A. Musurillo, ed., The Acts of the Pagan Martyrs (Oxford: At the Clarendon Press, 1954), pp. 249-251. From the point of view of form it could be argued that the Christian acta included such certification in their accounts when they testified to the time and circumstance of the actual death of the martyr, a rather typical conclusion to their martyrdoms. See the martyrdoms of Polycarp; Carpus, Papylus and Agathonice (Greek recension); Apollonius; Pionius; Cyprian; Irenaeus; etc.

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we do not even have the end of the speech or dialogue. It would seem more correct to say that there is not sufficient evidence to make a judgment on the presence or absence of such headings and certifications in the pagan acta.

The difference Musurillo noted in the presentations of the speeches of the participants raises a more serious question. The presence of a speech by the defendant in direct discourse was taken to indicate a departure from the strict protocol form which was viewed as being dialogue or interrogatory in structure.[1] For this reason Acta Maximi I, which contains a prosecution speech of 160 column lines in direct discourse,[2] is listed as one of the "rhetorical fragments."[3] But it is not at all clear if such judgment can stand when one analyzes the form apart from the content and style. In the first place, the speech of the hero or martyr is as important to the producers of the acta as the speech of the magistrate or official would have been for those who composed the protocols. Indeed, it would be unlike the protocol in form if the defendant's address was in indirect discourse. In each production as we have it, the speech of the main character is put in oratio recta. Secondly, if such speeches were quasi-verbatim, inserted, or elaborated in the

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[1]See also below, pp. 157, 158.

[2]The Oxyrhynchus Papyri, Part III, ed. by Bernard P. Grenfell and Arthur S. Hunt (London: Egypt Exploration Fund, 1903), pp. 147-151. This speech, though of some length in its present incomplete state, has neither introduction nor conclusion and there are gaps in the text of indeterminable length.

[3]Musurillo admits that such fragments "were in some way associated with the speeches delivered at the actual hearings and perhaps partly based on the rhetors' private copies" (Op. cit., pp. 251, 252).

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acta, such practices were not fundamentally different from what took place in the production of the protocols or in the composition of reports based upon official proceedings.[1] Thirdly, it should also be remembered that in the eleven acta which are listed by Musurillo as Acta Alexandrinorum we are dealing with fragments, in fact, fewer fragments than Coles had available for his protocol studies. To be more specific, it can be noted that in the eleven pagan acta there is not one complete text. In most cases both the introduction to the document and its conclusion are missing. We do not even have the complete text of one speech of any type. There are only fragments of speeches and interrogatories.

Among the papyri containing pagan acta there is only one clear reference to a defense speech. On a small piece of papyrus from the Rendel Harris Collection is found a portion of what has been called the Acta Hermiae. According to C. H. Roberts who edited the fragment,

> Titus appears to be defending the procedure of this or some other trial against Hermias (presumably the leader of the Alexandrians), who demands (whether in sympathy or malice is not clear) that a third party, perhaps a Roman, be allowed to make his defence; however, the latter declines.[2]

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[1] In a survey of the official documents among the Oxyrhynchus Papyri a number of speech fragments come to light. In addition to the acta materials there is the speech of an unnamed imperator (Oxy. P. 2690 2435), a speech on the need for judges not to be influenced by their friends (Oxy. P. 2690), a speech by the prosecuting attorney or counsel (Oxy. P. 2264), an accusation speech (Oxy. P. 707), and a dialogue involving Greeks and Jews before Trajan (Oxy. P. 1242). See also the previous discussion on the protocol form, pp. 145, 146.

[2] C. H. Roberts, "Titus and Alexandria: A New Document," JRS, XXXIX (1949), p. 79.

In this segment of the account, broken on three sides and dated about the middle of the second century, both the anticipated speaker and a third party identify the speech in question to be one of defense.[1]

In summary, it would appear that the general similarity in form between the pagan martyr-acts and the protocols does support the claim that the structural form of the legal reports did have an influence on the development of a literary genre, at least in respect to its formal character. And since the fragments of the legal proceedings and those of the pagan acta contain both interrogatories and speeches, it does not appear illogical to postulate original compositions, whether for private or public use by either of the parties involved, based upon official protocol form which included notice of both speeches and interrogatories. The differences in the forms in respect to direct or indirect discourse may be accounted for by the variation in the motives and content relative to each,[2] as will be further illustrated in our treatment of the Christian martyr-acts. To claim more than this for the pagan acta does not seem wise. If Musurillo is correct in his suggestion that

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[1] See Appendix 2, Table 2 for general practice in historiography.

[2] Where the protocols were concerned to give the official records of the trials and in particular the decisions and comments of the magistrates presiding (Coles, op. cit., p. 18, n. 1), the pagan acta are thought to have been produced by men with some degree of literary pretention who were perhaps hired by educated and influential Greeks of Alexandria who took great satisfaction in publicizing the anti-Semitic and anti-Roman character of their national heroes (Musurillo, op. cit., pp. 273, 274).

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"this pagan Erbauungsliteratur was quite extensive,"[1] there is a good chance that what we have in the papyri is only a "minority report" and not at all (or at least completely) representative of the literary mainstream of the Acta Alexandrinorum.

The Acts of the Christian Martyrs

The Christian acta martyrum, as mentioned earlier,[2] share with the Acta Alexandrinorum a common literary dependence on the protocols or commentarii for their external form.[3] Musurillo, however, makes it clear that the Christian acts, on a par with the pagan acta, did not always maintain the protocol form, especially in the early literature. He finds "wide variation from the composition of the strict court record to the moving narration of the martyr's final hours among men."[4] The problem is explained by this noted authority on the martyr literature as stemming from the practice of the Christians to elaborate on the sufferings and trials of their heroes (or heroines).

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[1]Musurillo, "The Pagan Acts of the Martyrs," ThSt X (December, 1949), p. 563.

[2]See above, pp. 149, 150.

[3]According to Musurillo (Acts of the Pagan Martyrs, pp. 236, 261) this viewpoint appears to have been firmly established by Hippolyte Delehaye (Les Passions des martyrs et les genres littéraires [Brussels: Bureaux de la Société des Bollandistes, 1921], pp. 150-173) against earlier claims that both pagan and Christian acts were common productions of a popular "Kleinliteratur" treating the deaths of illustrious men (Reitzenstein) or that the Christian acts had been modelled after the pagan martyrdoms (J. Geffcken).

[4]Herbert Musurillo, The Acts of the Christian Martyrs (Oxford: At the Clarendon Press, 1972), p. liii.

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> Just as the Pagan Acts were gathered, edited, and circulated by a community of Greeks in Egypt interested in using the "reworked protocols" as propaganda, so too the interrogatories of the Christian martyrs (however these were ultimately related to the official court records) served an edifying and apologetic purpose, not only in private but also in public liturgical gatherings after the Peace of the Church, especially in the West.[1]

Nevertheless, Musurillo has through form-analysis divided the twenty-eight texts which he considers to be the "most reliable" into five major categories or types, some of which overlap. The two divisions which interest us are: "Documents or sections based on the court-record style," and "Apologetic Speeches."[2]

In the opinion of Musurillo the three documents or sections which exhibit the earliest stage of the textual transmission and reveal the closest resemblances to the actual court records are the Acts of the Scillitan Martyrs, the Greek recension of the Acts of Phileas and the two interrogatories found in the Acts of Cyprian. Standing at some distance beyond but still manifesting the court-record style would be the acts of Julius, Maximilian, Agape and Companions, Carpus and Companions, Justin, Apollonius, Fructuosus, Euplus, Irenaeus, and Marcellus.[3] Only three of these acts have dramatic dates from the last half of the second century.[4] The others speak of events dating from the edicts of Valerian (257-8 A.D.) to the Acta Phileae which is dated shortly after the death of Phileas in winter of 306/7 A.D.[5]

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[1] Ibid., pp. liv, lv.

[2] Ibid., pp. xii, lii, liii.

[3] Ibid., pp. xii, lii-liv.

[4] The Acts of Justin and Companions, 165 A.D., the Acts of the Scillitan Martyrs, 180 A.D., and the Martyrdom of Apollonius, A.D. 185.

[5] Musurillo, op. cit., pp. xiii-lvii, et passim.

Apologetic speeches occur in the acts of Apollonius, Phileas, and Pionius, whose lengthy martyrdom with its accounts of dialogue between Pionius and the proconsul and between the martyr and the crowd is more like a Cynic diatribe than a protocol.[1] Though both the dramatic dates and the composition dates of these acta are a century and more later than the composition of the defense speeches of Paul in Acts, we include a brief study of them in this investigation for two reasons. Though we have shown that the structure of the protocols did influence the external form of the various acta of the martyrdom genre of ancient literature and have noted specific characteristics that marked the form of protocol speeches in general, the fragmentary condition of the protocol sources and the Acta Alexandrinorum did not provide examples of the defense speech which is the primary interest of this investigation. A second justification for the inclusion of such non-contemporary comparative literature stems from the recognition that the majority of the protocol papyri also date from non-contemporary periods. It is therefore the lamentable state of our sources in respect to the protocols and the martyr literature that has forced us to depart from a rather strict adherence to the fundamental criterion of contemporaneourness of literary sources. In short, while it will necessitate that all conclusions derived from a study of such sources be held as tentative, it is being argued that a

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[1] Ibid., pp. xxviii-xxix. Musurillo (op. cit., p. xix) refers to a "long speech" or "apologia" which occurs in the Acts of Justin and Companions. The "speech" has been omitted in this survey for two reasons. The so-called "speech" of Justin consists only of a ten-line reply to one of the prefect's questions (Ibid., p. 48) and is attributed by Musurillo to "an early stage in the development of the tradition (Ibid., p. xix).

survey of the best and earliest accounts available, regardless of their late dates, may provide some insights useful to our investigation.

Apollonius

The Martyrdom of Apollonius according to our best Greek text (fifth or six century) consists mainly of two defense speeches allegedly given by an Alexandrian, Apollos by name, before the Roman prefect Perennius sometime between 183 and 185 A.D.[1]

The first defense by Apollonius is given at the hearing which follows his arrest. In answer to the advice by the proconsul to change his mind (μετανόησον), Apollonius said (εἶπεν), "Ἄκουσόν μου νουνεχῶς, Περέννιε, περὶ σεμνῆς καὶ νομίμου ἀπολογίας μέλλοντος ποιεῖσθαι σοι τὸν λόγον (Listen to me attentively, Perennis, as I make my solemn and legitimate speech of defense.)"[2] The speech of twenty two lines does not include a benevolentiae captatio nor a conclusion but it includes a term of address and identifies the speech as one of defense. "καὶ πίστευσον ἡμῖν, Περέννιε, ἐξ αὐτῆς τῆς ἀπολογίας (In connection with my speech of defense, I beg you to believe, Perennis,....)."[3] There are no rhetorical questions and no mention of charges. The absence of

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[1]Ibid., pp. 90-105. According to Eusebius (Ecclesiastical History 5. 21. 4) the defendant is named Apollonius and the defense is presented in one speech before the senate in Rome.

[2]The Martyrdom of the Saintly and Blessed Apostle Apollonius, also called Sakkeas, 4. (Text and translation of this and the following Christian acta have been taken from Musurillo, The Acts of the Christian Martyrs.)

[3]Ibid., 5.

the latter is to be expected from the nature of the trial. The defendant is pleading his guilt not his innocence. He need not argue against the charges since he has, through his confession, charged himself as guilty under the law. The hearing concludes with a repetition of the proconsul's plea for Apollonius to change his mind and the defendant's firm reply that he must obey God above the claims of all earthly rulers.

The second speech is described as following three days later when court is convened in the presence of a " πλῆθος συγκλητικῶν καὶ βουλευτικῶν καὶ σοφῶν μεγάλων (a crowd of senators, councillors, and prominent philosophers)." Having already ordered Apollonius to appear in court the proconsul now commands him to be called before the assembly (καὶ κελεύσας αὐτὸν κληθῆναι) and the report of the previous hearing to be read. Perennis then calls for the decision of the defendant. After the reaffirmation of his resolution to stay by his religion and the urging by the proconsul that he change his mind (μετανοῆσαι), Apollonius launches into his second speech. He does not once refer to his address as a defense. He addresses the proconsul in the opening sentence of the speech (Ἐγὼ μὲν τὸ δόγμα τῆς συγκλήτου γινώσκω, Περέννιε) which is introduced by the verb εἶπεν. This speech of 50 lines lists the reasons why the defendant cannot worship the gods of the Romans. There does not appear to be a formal conclusion to the speech.[1]

The martyrdom continues with dialogue between Apollonius and the proconsul and a short exchange with a Cynic philosopher.

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[1] Ibid., 14-22.

One of the replies of Apollonius involves 34 lines of text treating the teachings of Jesus Christ. The proconsul is not addressed once in this lengthy response and its form, without either introduction or conclusion, would suggest later Christian interpolation rather than a continuation of the first speech or a second complete speech.

The trial scene closes with a final comment by each of the main characters. The proconsul admits his preference for releasing Apollonius (θέλω σε ἀπολῦσαι) but he is forced to honor the decree of the emperor. After the sign is given (ἔδωκεν σίγνον) for the legs of the martyr to be broken, Apollonius is permitted the last word, a brief doxology to God for the honor of martyrdom.[1]

Phileas

The Acts of Phileas, the story of the martyrdom of Phileas and Philoromus, two Christians who were tried and executed around the year 305 A.D., is found today in two textual traditions. The Greek text, dated by Musurillo between the years 310-335,[2] differs from the earlier known Latin recension in its reference to the apologies of Phileas. Papyrus Bodmer XX gives the following introduction to Acta Phileae: Ἀπολογία Φ[ι]λέου ἐπισκόπου Θμούς (The defence speech of Phileas, bishop of Thmuis). A few lines further down the narrow column of words we read of a first defense τῇ πρώτῃ ἀπολογίᾳ) made some time earlier.[3] Neither the account

[1] Ibid., 45, 46. Eusebius (Ecclesiastical History 5. 21. 4) records that the martyr was beheaded.

[2] Ibid., pp. xlvi-vlviii.

[3] Ibid., pp. 328-345.

of the first defense nor that of the three subsequent court appearances has been preserved.

Though the confrontation is described as an apologia no defense speeches are given in the narrative.[1] The text consists of the interrogations of the prefect and the short replies of Phileas. The verb of "saying" used consistently throughout the account is εἶπεν.

Pionius

The Martyrdom of Pionius claims a dramatic date from the time of Decius (249-251 A.D.)[2] and Musurillo argues that its anti-semitism and rhetorical style suggest a composition date around 300.[3] In this account there are interrogations before Polemon, the temple verger (νεωκόρος), and before the proconsul Quintillian. The only defense speech mentioned is the address before Polemon at a hearing which precedes the first interrogation and subsequent confinement in jail.

The speech of Pionius is labeled by the writer as an apologia. When the officer of the temple has advised the presbyter that it would be best for him to offer sacrifice and so

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[1]The Greek text contains several lacunae but there is no indication that these missing sections would have contained a defense speech. The closest the Latin recension comes to recording a speech is in the farewell appeal of Phileas to be faithful to God and Jesus Christ, a comment of nine lines.

[2]The Martyrdom of Pionius the Presbyter and his Companions 2.1 (Ibid., pp. 136, 137). Eusibius (Ecclesiastical History 4. 15. 46, 47.) places the death of Pionius in the time of Polycarp, i.e. in the time of Marcus Aurelius.

[3]Musurillo, op. cit., pp. xxviii, xxix.

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escape the punishment, the narrator continues to elaborate on the framework of the speech with the following comment: " ἐκτείνας οὖν τὴν χεῖρα ὁ Πιόνιος φαιδρῷ τῷ προσώπῳ ἀπελογήσατο εἰπών· (So then Pionius stretching forth his hand began his speech of defence with the following words."[1]

The apology of Pionius is not presented as the full speech of the defendant. The writer admits that "Pionius said all this and very much else, so that he did not stop for a long time" (Τούτων δὲ καὶ ἄλλων λεχθέντων, ὡς ἐπὶ πολὺ μὴ σιωπῆσαι τὸν Πιόνιον,).[2] The account given in the text opens with a typical opening statement. " Ἄνδρες οἱ ἐπὶ τῷ κάλλει Σμύρνης καυχόμενοι, ..., καὶ οἵτινες ἐν ὑμῖν Ἰουδαίων συμπάρεισιν, ἀκούσατε μου ὀλίγα προσδιαλεγομένου ὑμῖν (You men who boast of the beauty of Smyrna,..., and those among this audience who are Jews, listen while I make my brief discourse).[3] This statement of address is followed by an introduction of eleven lines which contains a rebuke rather than a capitatio benevolentiae. This reproach is based upon the speaker's accusation that those trying him were not following the wisdom of their former teachers, Homer and Moses.[4]

The body of the address as we have it argues for the innocence of the accused from any wrong doing and gives a warning of judgment to come. The speech is replete with rhetorical questions of the type we have found in most defense speeches.

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[1] The Martyrdom of Pionius 4. 2.
[2] Ibid., 5. 1.
[3] Ibid., 4. 2.
[4] Ibid., 4. 3-5.

Our account of the speech closes with a statement reminiscent to that found in the Old Testament. "καὶ διὰ τοῦτο τοῖς λεγομένοις θεοῖς ὑμῶν οὐ λατρεύομεν καὶ τῇ εἰκόνι τῇ χρυσῇ οὐ προσκυνοῦμεν (And so for this reason we do not worship your so-called gods, nor will we adore the golden idol).[1] Since this statement immediately follows comments on the judgment to come, one theme treated in the body of his speech (in so far as we have it), it does not appear to function as the conclusion of the entire speech (condensed?) or of the portion contained in our text. It does not seem logical to suppose that a writer (or speaker?) who could produce an opening statement of address and introduction such as this composition has would be content with presenting a conclusion in the form and content of this one sentence which ends the speech as it appears in our text.

This survey of the Christian *acta* would appear to lend further support to the claim made previously that the Roman protocols did exert an influence of the formal structure of the martyrdom literature. Of particular significance, however, is the length of these accounts. Though it seems quite obvious that whether through the intention of the writer or the state of the text we do not have a complete speech, even in terms of its formal elements, we are furnished with some additional structural details. The references to the four defense speeches would indicate that such addresses are presented in direct discourse in the narratives and are clearly labeled at the offset, either by the writer or in the words of the speaker himself,

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[1] *Ibid.*, 4. 24 (Dan. 3:18).

as being defense speeches. In the two speeches containing an introduction, the verb of saying is εἶπεν , a term of address is used (Περέννιε, Ἄνδρες), and those present are invited to listen (Ἄκουσον, ἀκούσατε). In no case were we able to locate the presence of a capitatio benevolentiae as part of the introduction and neither speech appeared to be so complete as to have a conclusion.

The narrative framework usually involves dialogue or interragatories but such exchanges are more frequent following the defense than preceding. In those accounts complete enough to include the martyrdom there is always present the sentence (κρίσις)of the presiding official and the recording of the death of the martyr and the testimony of his faithfulness.[1]

Summary

The attempt to locate a defense speech form in the official and semi-official historical documents we have chosen to call "historical sources" has been only partly successful. On the positive side it may be said that evidence points to the conclusion that the protocols, at least in so far as we know their form from the private copies contained in the papyri, do appear to have influenced the formal composition of the martyrdom literature.[2] It may one day be shown that the official protocol records did not contain speeches of any

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[1] Martyrdom of Apollonius 45, 47; Martyrdom of Pionius 20. 6, 22. 1-23. 1. See also above, p. 153, n. 2.

[2] One must be careful to distinguish between the influence of the protocols in respect to form and the possible influence of the mime and novel on the characterizations and motifs found in the acta, especially in their later redactions. Cf. Musurillo, Acts of the Pagan Martyrs, pp. 247, 248, and 253-258.

sort in direct discourse.[1] But the extant fragments of the documentary fragments show that speeches were included in the records of the official proceedings in so far as we can recover those accounts. The fact that these documents were no doubt private copies does not in itself prove that the original documents had no speeches. Nor does it concern us if those speeches were verbatim, quasi-verbatim, or inserted. The issue at stake is one of form and not of historicity. And the papyri materials show that it was at least a popular (if not strictly official) tradition to include speeches in preserving the accounts of the trials in which the Greeks and Romans of the Imperial period (and later) were interested. Thus it is from the structure of these presentations of legal proceedings that the pagan and Christian acta are understood to have borrowed their external form.

The negative aspects of this survey have to do with the questions of time and relevance. It may be argued that the majority of papyri fragments come from a period of time too late to have any importance for our comparative analysis and that we have too little evidence which bears directly on the defense speech form. These objections are not to be ruled out. But it must be emphasized that the reason for the discussion of the Acta has not been to establish a connection between them, whether in terms of genre or form, and the defense speeches of Paul in Acts. Our concern has been to ascertain if the Roman protocols, viewed analogically on a par with the journals of generals, annals, etc., could have influenced the

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[1]This appears to be the view of Musurillo who refers to the oratio recta as "words" and the indirect discourse as "speeches" (See above, p. 152, n. 2).

content and form of any part of a literary genre such as history, novel or (in this case) the Acta.[1] Since we have concluded that such protocols evidently did exercise an influence over the external literary form of the pagan and Christian martyr accounts it seems reasonable to infer that the reports of legal proceedings are as legitimate a source for literary borrowing as are the historical and romance traditions.[2] It would also appear reasonable to assume that the contemporaneousness of the protocol accounts is to some degree less crucial than the time period of the less formal productions. Evidently Coles recognized the tendency to stability possessed by the legal formulations for he is able to generalize on the basic structure of the protocols using fragments covering a number of centuries. In any case, the lack of an adequate number of contemporary sources does not only plague our analysis of the protocol materials. We shall meet the problem once again in the treatment of the romance literature to which we now give our attention.

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[1]It is not our intention to establish the literary genre of the Acta. In discussing the literary tradition of such martyrdom stories as may be traced through the Greek and Jewish writings of the Hellenistic period Musurillo (citing S. Bonner, Roman Declamation in the Late Republic and Early Empire [Liverpool: University of Liverpool, 1949], pp. 34, 43.) remarks:

> Whether or not these scattered tales ever crystallized into a definite literary form, there is good reason to suppose that the portrait of the vir bonus et sapiens resisting the tyrant became a stock motif in the rhetorical and philosophical schools, especially during the Roman period (Acts of the Pagan Martyrs, p. 239).

[2]It has not been considered as necessary to report once again, even in summary fashion, the formal elements of the protocols. They will be treated at a later point in this investigation when a comparison is attempted between the various literary models and the defense speeches of Paul in Acts (See below, pp. 238, 239, 250, 251).

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III. THE DEFENSE SPEECH IN ANCIENT ROMANCE

Students of Acts are well aware of attempts in the last two decades to locate the literary patterns employed by Luke in his second volume in the traditions of ancient romance literature.[1] And even though Ernst Haenchen is careful to insist that he "by no means affirms that Acts as such is 'a historical novel'", his emphasis on Luke's freedom from the confines of the historical tradition, and his designation of Luke as a dramatic scene-writer[2] appear to have influenced his attitude (to judge from his commentary) and that of his critics more than the viewpoint expressed in one of his notes. He patently observes that "it was probably the Greek OT and the tradition of the gospels which were Luke's real models for the style of Acts."[3]

As has been mentioned earlier in this investigation,[4] the real concern for the literary evaluation of Acts, either as history, novel, or whatever, is due to the implications such understandings hold for the issue of the historicity of its content. And the lack of a "thorough-going" literary critical study of the ancient novel in favor of a partial literary analogy appears to have raised as many

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[1]See above, p. 15, n. 1.

[2]Ernst Haenchen, Acts, pp. 120, 107. For further discussion of Haenchen's viewpoints see above, pp. 10-13.

[3]Ibid., p. 107, n. 1.

[4]See above, pp. 13-15, 49-54.

questions for viewing Acts as a romance as we found in the claims that Acts is great history.

There is, however, one difference between the areas of history and romance when it comes to this failure to make adequate literary studies of ancient writing traditions. There are no contemporary models of the novel in the extant literature which date from the period when Acts was written. This problem has not been sufficiently recognized by the proponents of the "romance genre" theory.

The issue is further complicated by two additional factors. On the one hand there are only a few novels within a century or two on either side of Acts, leaving us precious little for literary analysis even when the borders of contemporaneousness are extended. On the other hand the failure to give careful scrutiny to the character of the ancient novel has made possible precipitant judgments which do not adequately reflect the affinities and similarities existing between ancient history and romance literature.

All of these problems lie beyond our powers to solve. The lack of source material is a condition all investigations in this area face. The best one can do here is to recognize this lack and temper the evaluations accordingly. The painstaking study of the ancient novel, though necessary and possible, is, of course, beyond the scope of this investigation to pursue. For we are not primarily concerned with genre as such, be it historiography or romance.

It is hardly possible, however, to treat the ancient novel without some preliminary statement on the romance genre. The romance literature is not as well known as ancient historiography and in

the opinion of this writer a general lack of clarity has pervaded the discussions on the romance character of Acts. In view of the rather limited extent of source material for our study of the defense speech in the ancient novel such an introductory statement on the nature of the early romance literature will serve as a contextual framework for the analysis of the individual speeches. It is also the hope of the writer that others more capable than he will be encouraged to make the thorough-going literary study of this literature that a proper literary (and theological) appreciation of Acts requires.

The romance type of literature is generally classified as "prose fiction." A more precise definition of the romance as a literary form has been stated by B. E. Perry as follows:

> An extended narrative published apart by itself which relates--primarily or wholly for the sake of entertainment or spiritual edification, and for its own sake as a story, rather than for the purpose of instruction in history, science, or philosophical theory--the adventures or experiences of one or more individuals in their private capacities and from the viewpoint of their private interests and emotions.[1]

According to this understanding of the distinctive features of the novel, whether ancient or modern, the peculiar character of a romance is to be found in the intention of the writer and in the way in which the personalities are treated or exposed. The literary category is not solely to be recognized by the presence of such common themes as love, travel, and adventure which Hägg noticed had prevailed in the ancient Greek romances.[2] These topics also are

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[1]Ben Edwin Perry, The Ancient Romances (Berkeley: University of California Press, 1967), pp. 44, 45. (Italics his.)

[2]Tomas Hägg, Narrative Technique in Ancient Greek Romances (Athens: Skrifter Utgivna Au Svenska Institutet I, 1971), p. 13.

present in the writing of history.[1] Certain historians of the Hellenistic age as well as Herodotus in his day were quite dramatic in their historical accounts. Nevertheless it was clear to the reader that their purpose was to inform, to record through their selected summarizations what had happened or was supposed to have happened in the past. It was understood that their purpose was to tell the truth. In support of this view Perry makes the following explanation:

> Incidentally, this is the reason why, in any kind of ancient prose writing outside the romance, an incredible narrative is nearly always told either on the authority of someone other than the author himself, or as the author's own personal experience, which no one else can verify or refute because he wasn't there. There must be a sponsor for the truth of the narrative (which is not important in poetry), because the primary business of the historian, unlike that of the dramatist, the poet, or the romancer, is to tell the truth; and any self-respecting author who writes in this broad prosaic tradition, be he orator, sophist, scientist, pseudo-scientist, or philosopher, must be careful about what he vouches for in his own person.[2]

The romance has a different purpose. His is a creative function and "unlike other prose writers he employs very freely, and without apology, in the cause of art and regardless of historical plausibility, the inventive license proper to the tragedian or the epic poet."[3] This freedom characteristic of the novelist extends in the main to his portrayal of the words and actions of the individuals whose lives he is dramatically describing. The people

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[1] They also occur in epic, drama, etc. Our concern here is with romance as it may be compared to historiography.

[2] Ben Edwin Perry, op. cit., p. 68.

[3] Ibid., p. 69.

themselves must be "presumably historical" and his account must not run counter to whatever public tradition may exist relative to these characters. To protect himself against such a possibility "the romancer picks out quasi-historical characters--obscure figures of myth or local legend...about whose lives as youngsters his readers could have heard practically nothing...."[1]

Another difference between history and romance is to be found in the length of the story found in each. Historiography includes the story form and though the technique of presentation may vary from writer to writer, the story never takes charge of the narrative. The tale never has the length and detail of the novel. The story does not exist in history for itself but is used to illustrate. It does not become an artistic creation existing for itself but rather is used to convey an idea or move the greater "story" forward. In a romance we have a long story, in which the descriptions of persons and their actions are drawn out and magnified beyond their actual significance. As such the story is read for its own artistic effect.[2]

It becomes very crucial in the analysis of the genres historiography and romance to insist on these basic differences of intention, relation to truth and function of the story elements. For much of the substance and external form of historiography is used by the novelist. When a reading public made it possible and advantageous the drama of the stage, heretofore available only in poetic verse, was dressed in the narrative garb of historiography and offered to the masses

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[1] Ibid., p. 69.

[2] Ibid., pp. 70, 79.

or at least the middle class. In speaking to the question of the birth of the Greek romance Perry enlarges upon the influence of historiography.

> The first romance to be written necessarily had to appear, like Ninus, in the guise of historiography, in spite of its ideal non-historical nature and purpose. This was the case because, before the birth of the novel as an independent form of ideal creative writing, any narrative written in prose, even in Kunstprosa, had always come under the banner of informative literature, and it was only as poetry of some kind, chiefly stage drama and epic, that ideal creative fiction (i.e. invention on an historical base), could be sanctioned.[1]

The particular expression of history writing most compatible for adaptation into a compositional literary pattern for the romance was the historical monograph. Examples of this form of writing which dealt with the careers of famous men are Cyropedia (Xenophon), Catiline and Jugurtha (Sallust), Lives (Plutarch), and the histories written on the life of Alexander the Great.[2]

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[1]Ibid., p. 173. In maintaining that Ninus was the first romance Perry illustrates his recognition of the important but subtle distinctions between the genres of romance and historiography. For the counter viewpoint claiming the Alexander Romance (The Life of Alexander by an unknown writer later referred to as Pseudo-Callisthenes) as the first novel (which Perry calls historiography) see Martin Braun, History and Romance in Graeco-Oriental Literature (Oxford: Blackwell, 1938), pp. 32-37. In this work the story of Alexander is viewed as a product of Hellenistic-Oriental folklore which has "risen to the lower strata of historiography" (p. 33). According to Braun (Ibid., p. 3) the folk legends combine to form a popular narrative which becomes the "spiritual bread without which no proud people can stand the pressure of alien domination." In the words and deeds of these heroic characters "the feeling and longing of the masses come to concentrated expression." Sophie Trenkner (The Greek Novella in the Classical Period [Cambridge: University Press, 1958]) also discusses the development of the novel genre from folk-lore narration. It appears necessary and proper, however, to distinguish between the novelistic character of early folk-lore hero legends or the dramatic episodes occurring within the historical writings and the novel as a recognized literary genre.

[2]Ben Edwin Perry, op. cit., p. 147.

In our treatment of the defense speech in ancient romance literature we shall deal only with the Greek and Roman literary traditions. Among the reasons for the elimination of the Jewish and Christian (so-called) "romances" are the following considerations.

In the Story of Ahikar, whose earliest extant text appears in Aramaic among the fifth century B.C. Elephantine papyri,[1] in Tobit, which Charles parallels with The Story of Ahikar,[2] and in the Old Testament book of Esther, there is much that is thrilling and sensational, including (in the latter two works) a beautiful Jewish heroine. But the ethical and nationalistic appeals clearly override any claim that the writers were prompted by the motivation to entertain their readers through their creative endeavors. And in addition to the questionable position they may hold as romances they do not contain a single defense speech. The same could be said for the Moses romance of Artapanus, portions of The Testaments of the Twelve Patriarchs (especially the Testament of Joseph with its erotic motif), and The Letter of Aristeas.[3]

The Christian "romances" are usually identified as the apocryphal Acts, i.e., the Acts of Paul and Thecla, the Acts of

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[1]A. Cowley, trans., Jewish Documents of the Time of Ezra (London: S. P. C. K., 1919).

[2]R. H. Charles, ed., The Aprocrypha and Pseudepigrapha of the Old Testament, Vol. II (Oxford: At the Clarendon Press, 1913), p. 715.

[3]These works are listed with the Alexander Romance and the Third Book of Maccabees by Martin Braun (op. cit., pp. 36, 37, 46, 47) as being examples of the hero-romances popular in Hellenistic Oriental fiction. They all exhibit a tendentiousness that places them outside the goal of the secular romance which was to entertain.

Thomas, the Acts of Andrew, and the Acts of Xanthippe and Polyxena, which contain not only the miraculous and sensational but also the beautiful heroine in the process of their attempt to awe their readers and lead them into the path of salvation. A very important element in the Christian life, according to these "romantic" stories, was the "ideal of Christian ascetism."[1] In view of this fact, i.e. that they clearly show their primary purpose to be other than entertainment, and because they do not include a defense speech, even when the record indicates that Paul gave a speech before the governor when he was brought to trial in Iconium with Thecla,[2] we have chosen not to include these Christian compositions[3] in our survey of the romance literature of the Greeks and Romans, to which we now turn.

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[1]Ben Edwin Perry, op. cit., p. 30.

[2]Edgar Hennecke, Neutestamentliche Apokryphen, Vol. II, ed. by W. Schneemelcher and trans. by R. McL. Wilson (Philadelphia: The Westminster Press, 1965), p. 358. The Acts of Paul and Thecla in some manuscripts appears as a martyrdom though it is the third part of a larger work on The Acts of Paul.

[3]We have not mentioned the Recognitiones of Pseudo-Clement or the story of Apollonius of Tyre because of the following reasons. The story of the separation and reuniting of the Clement family of Rome may in itself have been a romance. But in its Christian dress it partakes of so much Christian apologetic as to raise serious question on its novelistic intention (Perry, op. cit., p. 35 and J. Irmscher, "The Pseudo-Clementines," Edgar Hennecke, op. cit., pp. 532-534). In addition, this multi-revised work does not contain a defense speech. The Life of Apollonius of Tyana has been classified as religious biography, biographical novel (see above, p. 15, n. Christian novel (Perry, op. cit., p. 35) and as a new type of Greek romance, i.e., a historical-philosophical novel (Elizabeth Hazelton Haight, More Essays on Greek Romances [New York: Longmans, Green and Company, 1945], p. 107). Though the problems of date and genre constituted the basic reasons why a consideration of this work was omitted from our review of Greek historiography (see above, p. 87, n. 3), its exclusion here is based upon the particular nature of the defense speech found in this second century Greek composition.

XUM

The Greek Romances

The career of the ancient romance may be understood as roughly spanning the age of the imperial period of Roman history, from about 100 B.C. to A.D. 300.[1] It is our misfortune, however, not to have one extant Greek composition dating from the first century of our era and thus contemporary to the period in which Acts was written.[2] We are therefore once more forced to suspend the use of the very important criterion of contemporaneity if we are to attempt any comparison involving the ancient Greek novel. Perhaps such a departure

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Philostratus, the writer of this account, reports that this speech was never given but was a composition of Apollonius to have been delivered in his defense. It is added by the historian after he gives his narration of the trial. Aside from the question of the speech being the invention of Philostratus (Cf. R. Reitzenstein, Hellenistische Wundererzählungen [Leipzig: B. G. Teubner, 1906 (1963 reprint)], pp. 46-48), a problem which does not fundamentally concern us since we are interested in form rather than historicity and authenticity, there is the fact that this speech does not appear in an actual trial context. By this we mean that it has the nature of a composition, with an introduction discussing its rhetorical form on the basis of typical orations. It lacks the court context. There is no opportunity for an introduction to the speaker, dialogue with the emperor or accuser, interruptions, or for the accused to reply to the specific charges presented. In short, the speech is presented as a written composition rather than a live speech and therefore does not permit comparative analysis with defense speeches given in trials.

[1]Perry, op. cit., p. 6. A brief comment on the origin of the Greek romance appears earlier in this investigation (p. 174). For further discussion of this question, including the evaluation of the theories of Erwin Rhode (Der griechische Roman, 1876) and Bruno Lavagnini (Le Origini del Romanzo Greco, 1921), see Elizabeth Hazelton Haight (Essays on the Greek Romances [Port Washington, New York: Kennikat Press, 1965 (reprint)] and More Essays on Greek Romances [New York: Longmans, Green and Company, 1945]), Ben Edwin Perry (op. cit.), and F. A. Todd (Some Ancient Novels [London: Oxford University Press, 1940]).

[2]The consensus of scholarly opinion is that Chariton's Chaereas and Callirhoe, dated around A.D. 150, is our earliest extant Greek novel.

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is permissible when it is done intentionally and as a last resort. Of course it naturally follows that conclusions drawn from such a comparative analysis can claim only tentative validity.

Elizabeth Height[1] lists seven Greek romances or novels[2] which date from the middle of the second century to the beginning of the fourth. Chariton of Aphrodistia wrote Chaereas and Callirhoe prior to the middle of the second century. Lucian of Samosata (A True History, Lucius or Ass) is placed at a later time in the second or third centuries, are Xenophon of Ephesus (Ephesiaca or Habrocomes and Anthia), Heliodorus of Emesa (Aethiopica or Theagenes and Charicles), and Longus (Daphnis and Chloe). The last novelist of the period is Achilles Tatius of Alexandria (Clitophon and Leucippe), who produced his work around A.D. 300.

Of particular interest to us are the works of Chariton, Heliodorus and Achilles Tatius. These writers included trial scenes in their fictitious narratives and therefore provide us with some source materials for our study.

Chariton

In the romance of Chaereas and Callirhoe, written about a century after Luke-Acts, Chariton has presented two trial scenes. The

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[1]Elizabeth Hazelton Haight, Essays on the Greek Romances (Port Washington, New York: Kennikat Press, 1965 [reprint]), p. 12.

[2]Since we are not primarily concerned with detailed genre studies, no attempt will be made to distinguish between the various types of Greek romance. For our purposes it matters little whether the composition is a love romance, pastoral love romance, historical romance, novel of adventure, or satiric romance.

first account treats a "murder trial" (δικαστήριον τῷ φονεῖ)[1] in which Chaereas is accused of killing his wife Callirhoe. We are not told anything about the officials presiding nor is there any mention of who made the charge or of its nature. The narrator presents the case as an unusual turn of events in which the accused charges himself and begs for punishment while the father of the victim, in this instance Hermocrates, pleads for the acquital of the defendant. It is clear that "the murderer, instead of defending himself..., brought still more bitter accusations against himself....He said nothing that was appropriate to his defense (ὁ φονεὺς...ἀντὶ τῆς ἀπολογίας αὐτοῦ κατηγόρησε πικρότερον..., οὐδὲν εἰπὼν τῶν πρὸς ἀπολογίαν δικαίων)."

The self-condemnation of Chaereas is only partially presented in the direct discourse which does not include a verb of saying, a term of address or complimentary introduction. The short appeal of the girl's father opens with a verb of saying (φησίν) but likewise does not contain a term of address or the customary captatio benevolentiae. The scene closes with the record that "the jury cast the vote of acquittal (οἱ μὲν οὖν δικασταὶ τὴν ἀπολύουσαν φῆφον ἔθεσαν)." The account of the discourses does not include any reference to an official command or permission for such speeches to be given.

The stage is set for the second trial of this romance when Artaxerxes summons Mithridates, governor of Caria and supposed friend

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[1]Chariton Chaereas and Callirhoe, l. 5. 2ff. The English translation is that of Warren E. Blake (Chariton's Chaereas and Callrhoe [Ann Arbor: University of Michigan Press, 1939]) who also edited the Greek text represented in this analysis (Charitonis Aphrodisiensis, de Chaerea et Callirhoe amatoriarum narrationus libri octo [London: Oxford University Press, 1938]).

of Chaereas, to defend himself (ἀπολογησόμενος) against the charges being brought by Dionysius of Miletus (who had married Callirhoe) that he was attempting "to corrupt (διαφθείρει)" the mind of his wife Callirhoe by claiming that Chaereas was still alive.[1]

The account of the trial (δίκη)[2] opens with a description of the king and his associates at the tribunal. There are his friends (φίλοις), his military leaders (λοχαγοὶ καὶ ταξίαρχοι) and "the most distinguished of the freemen of the king (τῶν βασιλέως ἐλευθέρων τὸ ἐντιμότατον)." When the accused and the accuser entered, the king "ordered the clerk to read the letters (ἐκέλευσε τὸν γραμματέα τὰς ἐπιστολὰς ἀναγνῶναι)" which provide the background of the case for the judges. The reading of the letters is followed by the applause of the court over the way in which the king has handled the matter thus far. The narrative then points out that "Dionysius, as plaintiff, was required to speak first (ἔδει μὲν ἄρξασθαι τοῦ λόγου Διονύσιον τὸν κατήγορον)." His speech, however, does not take place until the next day because Mithridates objected to the absense of Callirhroe who was the principal character of the trial.

When the court convenes the next morning there is no further description of the legal procedure. The writer concentrates on the effect produced upon the spectators by the arrival of Callirhoe. The framework does not include any directive from the king or even a verb of saying. The narrator merely mentions that "Ἤρξατο δὲ Διονύσιος τῶν λόγων οὕτως (Dionysius began the debate as follows)."

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[1] Ibid., 4. 4. 5-

[2] Ibid., 5. 4. 5ff.

The accusation speech of 58 lines appears to have three parts. It begins with a 24 line introduction involving the captatio benevolentiae, an admission that the speaker does not have the eloquence of the defendant, and an appeal for justice from the king. The term of address, "Βασιλεῦ (Your Majesty)," occurs at the beginning and near the conclusion of this first section of the address. The main part of the plaintiff's remarks opens with the expression, " Ὁ δὲ ἐμὸς λόγος σαφὴς ἐστι καὶ σύντομος. ἀνήρ εἰμι Καλλιρρόης ταύτης,... (My story is clear and brief. I am the husband of Callirhoe....)." The charge of intended adultery against Mithridates is cast in the form of biographical information and concludes 21 lines later when the writer turns to his third section with the words, "I have now given you the story of the case which you are judging (Τὸ μὲν διήγημα εἴρηκα τοῦ πράγματος, περὶ οὗ δικάζεις)." These last 13 lines serve to summarize the charges and challenge the defendant to produce Chaereas, who is presumed to be dead, or the king to pronounce the accused as guilty. The speech ends with a final use of the term of address.

The single defense speech to be found in the entire romance follows the accusation address without additional description. The transition from the charges to the defense is accomplished by stressing the effect which the accusation made upon the members of the court. There is no order or permission extended for the defendant to begin his defense. There is no immediate indication from the narrator or from the speaker that the speech to follow was an apology. We are only told that the king, now angry, looked with bitterness toward Mithridates whose first words are introduced with the verb φημί.

The defendant's speech is presented in three parts.[1] The introduction contains the term of address (Βασιλεῦ), a short captatio benevolentiae (δίκαιος γὰρ εἶ καὶ φιλάνθρωπος), and a claim that the charge is false by reason of innocence and the illegality of the accusation. Following this 23 line introduction the specific defense is given in 20 lines addressed in part to the king and in part to the plaintiff. This main section of the defense is clearly indicated by the speaker who admits he is now to make his defense (πλὴν ὡς ἀνδρὶ νῦν ἀπολογήσομαι). Further support for this transition from intoduction to the main body of the speech is provided by the use of a second term of address, "Sire," accompanyied by an appeal to the king to listen and learn of the speaker's blamelessness (μάθε, δέσποτα, ὅτι οὔτε Διονύσιον ὡς ἄνδρα οὔτε ὡς κύριον ἠδίκηκα). The defense of Mitridates is brief and specific. There are no rhetorical flourishes nor questions as appeared in the introduction. This second part of the speech concludes with an appeal to Dionysius to drop the charges.

The third and final portion of the defense speech consists of the dramatic appeal of Mitridates to the "dread powers who rule Heaven and Hell (θεοὶ βασίλειοι ἐπουράνιοί τε καὶ ὑποχθόνιοι)" to produce Chaereas in court and thus clear him of the charges. At this climactic moment, while the defendant is still speaking and according to prior arrangements (Ἔτι δὲ λέγοντος [οὕτω γὰρ ἦν διατεταγμένον] προῆλθε Χαιρέας αὐτός), Chaereas steps into the courtroom and the defense speech no longer is required. From this point onward the

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[1]Ibid., 5. 7. 1-10.

narration centers on the excitement caused by the appearance of the hero and the debate between him and the plaintiff.

Chariton concludes this trial scene by noting the actions of the king in response to this "brilliant defense (λαμπρῶς γὰρ ἀπελογήσατο)." The king dismisses the spectators and "counseled with his friends (ἐβουλεύετο μετὰ τῶν φίλων)." After receiving their advice the king summons those who had been dismissed and acquits Mithridates (Μιθριδάτην μὲν ἀφίημι). The trial at this point changes its character by reason of the claim of the two men to be the rightful husband of the same beautiful woman. Chariton, as a skillful writer, has the trial postponed twice by the king and finally indefinitely put off due to war. Thus the tension over the fate of the beautiful heroine is sustained in the narrative.

It should be noticed that apart from his entrance and judgment on the case the king does not play an active role in the trial. The contest is between the accuser and the defendant and in this encounter the speech of the accuser, directed to the king, is longer than the defense address, which is spoken to the accuser as well as the king. There appears to be a freedom of exchange between the two principals at trial as well as between the witness brought into the trial and the plaintiff. It will be our concern to note if this pattern holds true for the other novelistic trial scene.

Heliodorus

There is some question over the authorship of the Greek Romance known as The Ethiopics, or Adventures of Theagenes and

Chariclea. The last sentence of the composition sets forth the claim that it was "written by a Phoenician of Emesa, in Phoenicia, of the race of the Sun--Heliodorus, the son of Theodosius (ὅ συνέταξεν ἀνὴρ Φοῖνιξ Ἐμισηνός, τῶν ἀφ' Ἡλίου γένος, Θεοδοσίου παῖς Ἡλιόδωρος)."[1] It is not certain if the writer produced the novel as a pagan or a Christian. As for the date, Rattenbury[2] takes the period between 220 and 240 but others would permit any time not later than the end of the third century.[3]

Two trial episodes occur in this romance of Heliodorus. The first does not occur in the Adventure featuring the main characters but is told as part of the personal history of one of the personalities, Cnemon, who via this tale introduces himself to Theagenes and Chariclea. According to the narrative[4] the trial takes place before the people (ἐπὶ τὸν δῆμον)but the accused was not permitted an "apology or defence (καὶ οὐδὲ ἀπολογίας μοι)." The judgment was rendered by ballot (τῶν δὲ ψήφων διακρινομένων)and the accused was exiled.

The second trial involves the charges of Arsace, the sister of the Great King of Persia and wife of the Viceroy Oroondates in

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[1]Heliodorus The Ethiopics 10. 41. 4. The English translation used in this study is that of Rowland Smith (The Greek Romances of Heliodorus, Longus and Achilles Tatius (London: George Bell and Sons, 1901). The Greek text is from the edition of Les Éthiopiques, by R. M. Rattenbury, T. W. Lumb, J. Maillon (3 vols., Paris: Société D'Édition "Les Belles Lettres," 1935-1960).

[2]R. M. Rattenbury, T. W. Lumb, J. Maillon, eds., Les Éthiopiques, vol. I. (Paris: Société D'Édition "Les Belles Lettres," 1935), pp. xiii-xv.

[3]Haight, op. cit., p. 62.

[4]Heliodorus The Ethiopics 1. 13. 1-14. 1.

Memphis, that Chariclea had poisoned her chambermaid, Cybele, who actually had been given the task of poisoning Chariclea. Even though the tragedy had taken place through the exchanging of the cups by a servant girl, Chariclea, fearing that Theagenes had already been put to death, freely offered herself to be treated as guilty. Since Arsace is only too anxious to rid herself of the troublesome Chariclea who stands in the way of her intentions of seducing Theagenes, she gives the order (ἐκέλευσε) for the trial (εἰς τὴν κρίσιν) to take place on the following day.[1]

In the narration of the trial,[2] strange as it may seem for a composition in which one finds an extensive amount of direct discourse, Heliodorus does not provide us with one defense speech. The charges made by Arsace are described as is the confession of Chariclea who also attacks Arsace in the hopes of ensuring her condemnation. It is clearly pointed out that the accused "made no defence (ἀπελογεῖτο δὲ οὐδὲν ἡ Χαρίκλεια)" and subsequently the court "condemned her to be burnt alive (πυρὶ καταναλωθῆναι κατέκριναν)." The heroine does make one short speech relative to her trial but this address takes place at the scene of her intended execution. She makes an appeal to the gods to accept her voluntary death, to bear witness to her innocence, and to bring their curses upon her wicked accuser. In no way, however, can this speech be construed as to be justifiably called a defense. A final speech by Arsace inviting the people to come to the court the next day for a further examination of the accused closes the episode.

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[1] Ibid., 8. 9. 5. [2] Ibid., 8. 9. 6-9.

The failure of this novel, which Hadas[1] has called the "fullest and best known of the Greek romances," to include a defense speech[2] is not only disappointing to those looking for such literary models but it raises serious questions for the observation of Todd that the trial scene in the Greek romances furnished the rhetorician a unique opportunity to exhibit "his own mastery of the pleader's arts" and to "demonstrate the potency of love."[3] It will become clear, however, that Todd takes as his model not the work of Heliodorus but that of Achilles Tatius, our next and final Greek novelist.

Achilles Tatius

Achilles Tatius is credited with writing what was probably the latest of the preserved Greek romances, The Adventures of Leucippe and Clitophon. In this early fourth century novel, according to Todd,[4] are to be found the "most representative of all the features of the

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[1]Moses Hadas, History of Greek Literature (New York: Columbia University, 1950), p. 294.

[2]The final climactic scene (Book 10. 10. 1ff.), involving a "trial (δίκη γὰρ μοι καὶ κρίσις)." has not been included in our analysis. In the opinion of the writer this incident has too many dissimilarities, despite its quasi trial status, to permit proper literary comparison. Of major significance is the fact that no part of the direct discourse is ever labeled by the speaker or by the writer as an apology. In addition, the hero and heroine are never accused, the affair does not take place in court, the discourse is cast for the most part in dialogue form, the exchange of remarks takes place between several characters, and a good amount of space is given to describing the inner feelings and attitudes of the various participants, the nature of the sacrifice, and the physical prowess of the hero.

[3]A. A. Todd, Some Ancient Novels (London: Oxford University Press, 1940), p. 29.

[4]Ibid., p. 9.

Greek novel." If the supposition is true that Tatius was a ῥήτωρ, a view that Elizabeth Haight held to be quite possible,[1] it is not difficult to understand how a literary critic using this novel as a model (as Todd evidently did) would emphasize the place of the trial scene in the Greek romance.[2] Indeed, forensic speeches dominate in Books VII and VIII of this novel.

It is not the purpose of this investigation to establish the representative features of the Greek romance. Yet it seems only fair to note that our survey of the extant Greek novels has not revealed a preponderance of trial scenes. And even where such trials are reported one cannot always expect to find a forensic speech, especially a defense speech. It is in fact this very scarcity of defense speech models which has forced us to include in our analysis the trials appearing in late compositions such as this romance of Tatius.

The trial episodes are presented in a style characteristic of the entire romance; they are told as stories in the first person by Clitophon, a Greek from Tyre. On the occasion of the first trial,[3] Clitophon, as hero of the adventure, is being charged with the crimes of adultery and murder by Thersander, husband of Melitte, who is on trial with Clitophon on the adultery charge, and suitor of Leucippe, the heroine and supposed murder victim. During the first sitting of the court (δικαστήριον) Thersander appears with ten "counsel (ῥητόρων)"

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[1]Haight, op. cit., p. 112.

[2]See above, p. 185. Elizabeth Haight has remarked in reference to Tatius that "his whole style is dyed in the rhetoric of the schools and the speeches delivered in the various lawsuits in the plot are masterpieces of rhetoric (Loc. cit.).

[3]Achilles Tatius Leucippe and Clitophon 7. 7. 1-12. 1.

and Melitte is present with her prepared "defence (ἀπολογίαν)." We are not given the speeches of accusation nor the defense. We are merely told that at the conclusion of their speeches (ἐπεὶ δὲ ἐπαύσαντο λέγοντες) Clitophon also "asked to be allowed to speak (αἰτήσας κἀγὼ λόγον)." His address of 25 lines is an admission of guilt rather than a defense. He accuses himself (ἐμαυτοῦ κατεῖπον) of complicity with Melitte in arranging the murder of his beloved, hoping by this means to incur the death penalty and thusly to be united with Leucippe.

It is at this juncture in the trial, when the lawyers of Melitte were discussing the implications of Clitophon's speech on her defense (ἀπολογίαν), that Clinias, a friend of Clitophon, comes forward and requests permission to speak (Κἀμοί τινα λόγον συγχωρήσατε). This long speech of 77 lines, begun with eyes full of tears, is in content a defense speech though never so identified by either the speaker or the composer. The speech opens with a term of address, "Men of Ephesus (Ἄνδρες, Ἐφέσιοι)," and has "εἶπεν" for the verb of saying following the granting of approval to address the court (ὡς δὲ ἔλαβε).

It would appear that this address has five parts, though the first and last lines can hardly be classified as introduction and conclusion respectively. The two-sentence opening and the one-sentence closing, totalling nine lines, consist of a plea by this friend of the accused that judgment not be too hastily pronounced on the basis of self-accusation by a distraught young man. The body of the "defense" can be divided into three sections. The first eleven lines treat the story of Clitophon and Leucippe in

brief, reinforcing the previous history of the two lovers as told by Clitophon himself earlier in the trial and correcting the false accusation of himself made by the hero. The next 19-plus lines develop through rhetorical questions the logical reasons why Clitophon could not be guilty. The last part of the core of this "defense" presents in 37-plus lines how Clitophon has become involved with Melitte and how this woman is revealed to be the real culprit.

Tatius includes one more speech before bringing this first trial to a close. After Thersander's rhetors and friends cried out for the sentencing of the self-confessed murderer, Melitte offered her maids for examination and challenged Thersander to produce Sosthenes, to whom Leucippe had been given as a slave, for questioning in respect to the suspected murder. In response to this affront Thersander adds a 49 line declamation calling for the immediate sentencing of the accused. In addition to the presence of rhetorical questions found in this speech one unique stylistic development is to be noted. For the first time in this trial account Tatius interrupts an address to explain why the speaker has made a certain remark.

When Thersander ends his speech with an oath that he knew nothing of the whereabouts of Sosthenes the trial scene is concluded with the account of the sentencing. The "president of the judges (τῷ προέδρῳ τῶν δικαστῶν)" in consultation with the "assessors chosen from the elders of the town (συμβούλους ἐκ τῶν γεραιτέρων) pronounced the sentence of death for Clitophon (ἔδοξεν..., θάνατον) and decreed that a second trial be held for Melitte (περὶ δὲ Μελίττης κρίσιν γενέσθαι δευτέραν).

Before the enquiry can take place over the guilt of Melitte a special trial is requested by Thersander who had discovered that Clitophon had been released instead of put to death.[1] We are not given a description of the court or of the presiding officials. The scene opens with Thersander beginning his speech of accusation at the appointed time. In 87 lines the speaker addresses the court in an introduction (of 32 lines) asking an explanation as to why the sentence of the court has not been executed in reference to Clitophon, charges the bishop of the goddess Artemis (in 37 lines) with lawless conduct in effecting the release of the accused, makes a second charge (of 14 lines) against Melette, who is still to be sentenced according to the results of the impending examination of her maids, and ends his speech with promise (in 4 lines) of a third charge against his slave-girl, Leucippe, and the man who claims to be her father, after judgment has been rendered on the first two counts.

The first of the defendants to answer the charges made by Thersander is the bishop. Tatius does not mention whether the defendant asked or was given permission to speak nor does the bishop use a term of address. His opening remarks, using λέγων as a verb of saying and evidently serving as the introduction to his speech, are directed to the court and consist of 29 lines of defamatory material intended to discredit the testimony of the plaintiff. A short transitional statement (three lines) brings the bishop to the question of the "actual charges (περὶ ὧν ἐγκέκλημαι)," i.e., that he as bishop had acted out of order in releasing the youth charged with murder. In

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[1] Ibid., 8. 8. 1-11. 4.

44 lines the bishop turns the charge back upon the accuser, using the same type of arguments, rhetorical questions, and satire. The bishop concludes his address with the following brief remark: "τὰ μὲν ἐμὰ ἐπὶ τοσοῦτον εἰρήσθω πρὸς τὰς τούτου βλασφημίας, τὸν δὲ ὑπὲρ τῶν ξένων λόγον αὐτοῖς τούτοις παραδίδωμι (Gentlemen, I think I have said enough to defend myself against Thersander's ridiculous abuse: as for the defence of these foreigners, I propose to allow them to speak for themselves)."

There are no further defense speeches made in answer to the charges. As the story is told, before a rhetor could address the court on behalf of Melitte and Clitophon, one of Thersander's lawyers jumps up and takes the floor with additional charges against the character of the three accused. But before he is able to complete his lengthy speech (at this point 71 lines in length) he is interrupted by Thersander who reads his challenge to both girls to prove their purity by submitting to certain cultic ordeals. When the women accept this gauntlet thrown down by their accuser the court is dismissed.

Tatius has included six speeches in the two trials found in the romance of Leucippe and Clitophon.[1] In each trial there is one speech for the defendant and two on behalf of the accuser. In neither defense speech does the hero of the story defend himself. Though the writer uses the term ἀπολογία twice to speak of the planned defense of Melitte,[2] he nowhere employs the term or its comparable verb

[1]This number does not include the brief challenge of Thersander and the short reply by Melitte (Ibid., 8. 11. 1-4.).

[2]Ibid., 7. 7. 1; 7. 8. 2.

form ἀπολογέομαι, whether in the mouth of the narrator or in the words of the speaker, to describe either defense speech.

It is obvious that the writer was more interested in the speeches than in the trial as a whole. The court officials are not introduced at the beginning of the trials, they play no role in directing the procedures except to pronounce the sentence at the conclusion of the first trial,[1] and are hardly given the courtesy of recognition by the speakers. To be fully accurate it must be said that in the first speech the court is addressed once (Ἄνδρες, Ἐφέσιοι) and in the second apology the Lord Chief (πρόεδρε) of the court is called once by name, but such singular usages of terms of address in speeches of this length are hardly to be noticed. It should also be noticed in reference to the framework of the speeches that differing verbs of saying are used to introduce each address, i.e., εἶπεν and λέγων.

The defense speeches themselves have points in common as well as dissimilarities. Both apologies contain rhetorical questions in their arguments and neither speech includes a captatio benevolentiae. In terms of structure, each speech may be said to have an introduction, body, and conclusion. The introduction and the conclusion of the first speech appear to speak to the same point, thus forming a ring composition. However in the second address, the introduction consists of a long harangue directed against the character of the accuser while the conclusion is merely the statement that the speaker has adequately defended himself.

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[1] A possible exception is the request of Clinias (Ibid., 7. 9. 1.) to speak to the court. He begins his defense after permission was given (ὡς δὲ ἔλαβε).

It is perhaps true that some of the differences, such as the countercharges in the second defense, are to be explained on the basis of the differing contexts. In the first address we have a defense of the accuser who has brought charges against himself. It is given by a friend of the accused. In the second instance the accused is defending himself against his opponent, the accuser. It might be argued that such dissimilarities of context could account for the variation in content but they do not explain the disagreement in form. The divergence in the elements of form is to be charged to the initiative of Tatius on some other basis. Was Tatius following a pattern in the structuring of his defense accounts? If so, which speech is to be taken as representative of that model? Was there a known Greek defense speech design? Was he following the lead offered by earlier Greek apologies found in romance literature.[1] The answer to these and similar queries lies beyond our sure grasp by reason of insufficient evidence. Nevertheless, even though it is meager, the data should be given serious scrutiny lest we claim more or less than the facts as we know them will support. With this interest in mind we now sum up out findings relative to the apology in Greek novels.

Summary

Our survey of the extant literature from the Greek Romance tradition has covered seven novels produced by six writers within the first three

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[1]For a comparison of the plot, style, and other features of this romance by Achilles Tatius with that of other Greek novels, especially Chariton's Chaereas and Callirhoe, see Elizabeth Haight, Essays on the Greek Romances, pp. 96-118.

centuries of our era. In these seven adventure stories we have located six trial scenes, two in each of three novels. The writers make it clear, however, that on three occasions the defendant did not present an apology.[1] Our source materials for a literary comparison of the defense speeches occurring in Greek romance literature are therefore reduced to three apologies found in the novels by Chariton (Chaereas and Callirhoe) and Achilles Tatius (Clitophon and Leucippe).

It will be recognized immediately that our findings are much too limited to enable us to construct the "typical" form of a defense speech for the Greek romance literature. It would be quite presumptuous to build a speech model on three examples, especially when the three apologies agree so little among themselves. Nevertheless, any agreement to be noted between the speeches we have discovered could be taken to possibly point to a typical element in such a form or a common feature found in more than one type of form. For these reasons it would appear useful to give some attention to those components found in at least two out of the three speeches.

In terms of their general features, all three speeches were given in direct speech and a free exchange of comments were permitted to the participants. On neither occasion does the hero of the story make a defense speech.[2] In two instances he presents a speech of

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[1] See Appendix IV for a detailed analysis of these and other elements found in the romance literature.

[2] The comments of Chaereas, the hero of Chariton's Chaereas and Callirhoe, are excepted here. He appears as evidence in support of the defense of Mithridates and only briefly engages in argumentation with Dionysius, the plaintiff in the trial.

self-accusation; once a defense speech is given on the hero's behalf by a friend, and on two occasions the speech is given by a defendant other than the hero of the story. The length of the defense varies between the two writers but not when produced by the same hand. Chariton's was only 40 lines in length while the two speeches of Tatius ran nearly twice as long (77 and 80 lines).

The common factors to be noted in the framework, whether at the beginning or conclusion to the trial, include the omission of any designation by the writer that the speech is one of defense, the apology coming on the heels of the accusation, the apparent freedom of address by the participants who neither request nor are commanded (or even asked) to present their remarks, and the notice of the verdict of the court. There does not appear to be any particular form as to when or how the officials of the court are introduced nor necessity that they even be mentioned.

The three defense speeches manifest a variety of elements. The greatest positive agreement to be found is that two of the three apologies open with a term of address, though it is not repeated, begin the main portion of the defense with a reference to the charges, and treat the charges specifically, using the well known device of the rhetorical question. The same degree of support is indicated negatively for such factors as the absence of a captatio benevolentiae, no weeping by the defendant, the opening verb is not εἶπεν, the introductions and conclusions are not clearly defined nor do they present the same thought if they occur at all, and Tatius does not designate either of his two defense speeches by the terms generally

employed, i.e., ἀπολογία or ἀπολογέω, though he shows elsewhere in his account that he knows the noun (ἀπολογία).[1]

We shall have occasion to consider these features once again in our specific study of the defense speeches of Paul in Acts and their relation to the speeches we have found in historiography as well as romance. But before taking up the task of the next chapter we shall make one more attempt to locate a model for the defense speech in romance literature. In this final search of the comparative literature the Latin tradition and its novels will engage our interest.

The Latin Romance

Little is known about the nature and composition of the Latin romance in the early centuries of the Roman Empire apart from what may be found in the two extant Latin novels. We have portions of the fifteenth and sixteenth books of the Satyricon, which is generally credited to Petronius Arbiter, contemporary of Nero and consul of Bithynia, whose character and suicide is briefly described by Tacitus.[2] The only complete novel[3] in the Latin tradition which

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[1]Achilles Tatius Leucippe and Clitophon 7. 7. 1; 7. 8. 2.

[2]Tacitus Annals 16. 18-19. Tacitus, however, does not mention this novel by Petronius or that this writer was a novelist.

[3]The writer is aware that literary critics do not agree on the classification of the kind of writing represented by the Satyricon and Metamorphoses. According to the sources used in preparing this background material for the Latin novel, Elizabeth Hazelton Haight (Essays on Ancient Fiction [New York: Longmans, Green and Co., 1936], p. 151) and F. A. Todd (Some Ancient Novels [London: Oxford University Press, 1940], p. 102) are willing to call it a novel of a special kind. P. G. Walsh (The Roman Novel [Cambridge: At the University Press, 1970], p. 142) uses the term "novel" to speak of the composition but clearly

has been preserved for us is the Metamorphoses, penned by Apuleius of Madaura about a century later than the Satyricon, or about A.D. 160.[1] The Metamorphoses, or The Golden Ass, another name by which this Latin romance was known, builds on a plot taken from a Greek story[2] in which a man, Lucius by name, relates how he was transformed by some sort of magic into an ass and in that form went through various adventures before being turned back into his human shape.

It is obvious that we cannot speak of a Latin romance tradition when we have record of only two having been written, one of which exists in complete form. It would also appear hazardous to attempt a comparison of the Satyricon with the Metamorphoses in view of the fragmentary state of the Satyricon text.[3] But having said

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insists that it "is after all a romance rather than a novel." The specific nature of these works of fiction by Petronius and Apuleius is further defined by Walsh as being "comic romances" (Ibid., p. 1). On the other hand, Moses Hadas (A History of Latin Literature [New York: Columbia University Press, 1952], p. 347) makes the point emphatically that "Apuleius' Metamorphoses is neither a comic romance nor a satire,...but a serious novel."

Since these distinctions in classification have to do with style, theme and scope primarily and represent variations within a basic genre of fiction writing employing adventure, romance, and travel, we have used the terms "novel" and "romance" interchangeably.

[1]Elizabeth Hazelton Haight (Essays on the Greek Romances, p. 187) dates Apuleius between the years A.D. 125 to A.D. 171 or during the reigns of Antonius Pius and Marcus Aurelius.

[2]The original version of the story, now lost, was also called the Metamorphoses and is attributed to Lucius (or Lucian) of Patrae. It appears that this earlier work was abridged by Lucian of Syria, the well known Greek rhetorician and satirist, for among his writings is found the same basic story carrying the title Λούκιος ἢ ὄνος (Lucius or the Ass).

[3]J. Wight Duff (A Literary History of Rome in the Silver Age [New York: Charles Scribner's Sons, 1927], p. 189) however, felt free to claim that "the Satyricon excels The Golden Ass (the Metamorphoses of Apuleius) because of its greater originality and its more typically Roman colour."

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this, it must also be admitted that we would be going beyond the evidence to say that no such romance tradition existed.[1]

It is known that fiction first entered the Latin tradition of narrative prose through the historian Sisenna who translated from Greek the Milesian stories of Aristides.[2] And while it is true that the first Greek novel appeared under the guise of historiography some centuries later than the classical period,[3] it is also true that the Roman literary developments, influenced greatly by what had taken place earlier in the literature of Greece, were able to take place at a much quicker pace than would have been otherwise expected.[4]

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[1]P. G. Walsh (The Roman Novel Cambridge: At the University Press, 1970 , pp. 1-3) appears to argue against a Latin romance tradition having existed in the classical period on two counts. He finds reasons to believe that at this time the reading public was limited to the intellectuals of the upper social levels and in their judgment the genre of fiction was considered "sub-literary." As part of his argument Walsh makes note of the fact that Quintilian (10. 1. 46ff.) did not include fiction in his survey of ancient literature. The best these ancient literary figures could do was to create the "satirically comic fiction."

There are, however, other factors to be considered. A careful reading of Quintilian will reveal that he is writing for the instruction of those who would be orators (10. 1. 45) and accordingly speaks only of the poets, historians, orators and philosophers. He omits the biographers and geographers as well. And these writers were not producing fiction! The very fact that various writers (Plutarch, Quintillian, et alii) found it necessary to depreciate fiction points to the existence of a fiction tradition which evidently had a reading public to support it.

[2]According to Teuffel (Op. cit., Vol. II, p. 76), it was the title to this Greek work, Μιλησιακά, that gave to the Greek language its term for designating romance stories in general, milesia (or fabula in Latin).

[3]A brief discussion of the origin of the Greek novel appears above, pp. 173, 174.

[4]The movement from poetic verse to prose literature as a respected vehicle of narrative expression was accomplished much earlier, comparatively speaking, in the Latin tradition than in the Greek.

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Our concern at this point is not to treat the development of Latin literature nor to claim that classical Rome had a recognized genre of fiction narrative in its literary tradition. The issue being stressed is that one cannot rule out, primarily on the basis of the type and number of known Latin novels, the possibility that such a literary genre did exist. We do have the evidence of two novels. And after all, seven Greek novels also do not a tradition make.

In terms of defense speeches these two novels offer very little information. The Satyricon, in so far as we know it from the two books which remain, is the satirical and ribald story of two men and their young male darling as they adventure from bedroom to brothel to banquet. The first person narrative, interspersed with witty sayings in metered verse, contains no trial scenes and no defense speeches. The Metamorphoses of Apuleius, also a romance told in the first person, includes two trial accounts and one defense speech.[1]

In the first countroom scene[2] Lucius is brought into the "judgment-hall (forum)" to stand before the "seat of the judges (tribunal). After the magistrates take their places, the crier (praeconis) calls for silence and asks for the accuser to come forward. The accuser is described, his water-clock is mentioned, and the speech of accusation is introduced with the words, "populum sic

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[1]We do possess two works from Apuleius which clearly reveal his abilities as an orator. The Florida contains extracts from a number of his speeches and the Apologia presents his famous defense against the charges that he had used magic to bring about his marriage to a wealthy widow. Since this brilliant defense speech exists as an independent literary production and is not part of a larger genre of narrative literature (such as romance or historiography) it is not eligible for comparative analysis. See above, pp. 64, 65.

[2]Apuleius The Golden Ass 3. 2-10.

adorat (and he began his oration to the people in this sort)." The address continues for 25 lines as the captain of the city night watchmen relates how Lucius had murdered three men. At this point the crier commands Lucius to speak (ac me statim praeco). Lucius, already convinced that he had indeed killed three men the night before, finally managed to cease weeping and begin his speech. There is no verb of saying. In fact, the direct discourse is presented as being the gist of his remarks rather than the actual speech.[1] A term of address, "Quirites (judges)," appears once about mid-way in the remarks. In this "speech" of 51 lines there is no clear introduction or conclusion. Neither the speaker nor the narrator, in this case the same person, designates the discourse as one of defense. The opening eight lines and the closing nine indicate a degree of "ring composition" since one can find in both sections the argument that the speaker, though not innocent of the crime, deserves mercy by reason of his admirable motives. There is no obvious captatio benevolentiae. The body of the speech tells the story of the triple murder, stressing the heroic role of the accused in saving the city from the would-be robbers. At the conclusion of the account of the speech the narrator (and speaker) continues through indirect discourse to describe how he again wept and made further pleas before all the people and to the sun and to Justice (solis et Iustitiae) for favour and vindication.

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[1]The opening framework ends with the words, sic ad illa, and at the end of the speech the narrator takes up the story with the words, haec profatus.

The trial scene continues with demands for further questioning and torture. The story reaches its climax with the accused forced to uncover the bodies of the slain. The episode ends not with a sentence by the judge but with great laughter over the trick which had been played on the defendant who discovers that the bodies of the slain were only blown up bladders.

In the second trial account[1] reference is made to the speeches of the advocates for the accusation and the defense but they do not appear in the narrative. What we have are the speeches of the witnesses who are concerned to establish the truth or the falseness of the charges and the subsequent sentence pronounced upon the guilty. The two addresses[1] given by a physician on behalf of the accused are clearly presented as having been constructed by Lucius on the basis of reports which he had received from observers.[2] For at this point in the story he was an ass in the stable, far removed from the scene of the trial. In neither speech does the speaker describe his remarks as a defense. Indeed, at no point in these two speeches is there any attempt to defend the action of the accused. The speeches merely relate the involvement of the physician in the episode.

This study of the trial accounts in the Metamorphoses of Apuleius brings to a close our survey of the defense speeches in the genres of historiography and romance. Unlike the comparative materials located in the traditions previously reviewed, the single defense speech found in the Latin romances does not offer us sufficient

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[1]Apuleius, op. cit., 10. 8, 9, and 11.

[2]Ibid., 10. 7.

grounds to speak of a romance tradition and therefore no summary of Latin defense speeches is required. What does remain for our investigation is an analysis of the defense speeches of Paul in Acts. Having covered the contemporary literature it now becomes our task to see if we can discover any formal agreements between the defense speeches located in these literary traditions and those Luke presents as given by Paul.

IV. THE DEFENSE SPEECHES OF PAUL IN ACTS

Our investigation to this point has surveyed 27 ancient writers and sources in the field of historiography, including the protocols and the martyrdom literature.[1] There were others who could have been mentioned. The historians Posidonius (c. 135-51 B.C.), Pedianus (A.D. 3-88), and Fabius Rusticus (A.D. 54-108) produced works which have not been preserved. Lucius Amaeus Florus and Cassius Dio Cocceianus, who wrote Roman histories in the second century, have been excluded because of their late date.[2] Marcus Annaeus Lucanus (A.D. 39-65) fits our time period but his composition, The Civil War (popularly known as The Pharsalia), is a poetic composition and on that basis must be excluded. When we discount the histories of Herodotus, Thucydides, Xenophon, and Polybius, which were briefly alluded to because so many students of Luke-Acts have used these non-contemporary writers as models for the literary patterns found in Acts, we are left with 23 sources for a comparative analysis in the genre of historiography.

The study of the romance literature was not nearly so fruitful. The novelistic works which are still preserved either did not meet

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[1] For a list of these historical writers and sources consult Appendix II, Table 1.

[2] I have felt it was consistent, however, to include for tentative comparison a few late sources, such as the martyrdom literature and the romances, because no examples of similar works contemporary to the time of Luke-Acts remain extant to our time.

genre requirements or did not mention trials. As a result, we were forced to use the compositions of seven later novelists rather than the productions of contemporary Greek, Roman or Jewish writers.[1]

These 30 sources have mentioned 177 trial scenes (169 in historical works and eight in the romance literature) but have reported only 23 defense speeches in direct discourse.[2] When we remember that these 23 speeches include three from the later martyrdom literature and four from non-contemporary romance literature, we are suddenly made aware that we have available for primary comparative analysis only 16 speeches produced by six historians who made reference to 102 trials.[3] These writers were content in most cases to either note or describe the defense speeches (62 out of the 177 trials) or to omit the mention of any apology (46 out of the 177). The six contemporary sources are: Dionysius of Halicarnassus (one speech); Appian (one speech); Livy (seven speeches); Curtius Rufus (two speeches); Tacitus (three speeches); Josephus (two speeches). If we add as our secondary sources those writings which are from the later period, we add seven speeches, three of them being found in the Acts of the

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[1]For a list of the traditions and writers in ancient romance literature consult Appendix III, Table 1.

[2]The historians account for 19 and four were found in the novels. Our analysis of these genres, however, did include a review of three sources which did not contain a speech of defense. The two Old Testament accounts, the protocols, and the pagan martyrdom literature were listed in our survey for whatever partial information they might be able to provide in terms of the framework or a portion of an apology. For further details in summary form note Appendices II and III, Table 1.

[3]The remaining 63 trial scenes (12 trial accounts having been omitted by reason of the lateness of the martyrdom literature and the novels) were reported by ten historical sources, leaving four writers without a trial scene.

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Christian Martyrs and four taken from the romance literature, giving us 23 speeches as our total.

When we compare the length of the compositions of these afore mentioned writers with the text of Luke-Acts it becomes quite obvious that the author of Luke-Acts had a penchant for the trial story. His account of the hearings of Jesus is the only one out of the four reports on the Passion Week to contain three trial scenes. In addition to the appearances before the Sanhedrin[1] and Pilate,[2] Luke has described a hearing before Herod.[3] In Acts, apart from the questionable Areopagus encounter,[4] we read of two occasions when Peter and John are brought before the Sanhedrin,[5] a long episode treating Stephen's defense before the same body,[6] and we find five accounts of proceedings involving Paul.

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[1]Matthew 26:27-68; Mark 14:53-65; Luke 22:66-71; John 18:12-14, 19-24.

[2]Matthew 27:1-2, 11-26; Mark 15:1-15; Luke 23:1-5, 13-25; John 18:28-19:16.

[3]Luke 23:6-12. The differences in the account of Luke from that of the other synoptic gospels and, on the other hand, the similarities in the trials of Jesus and Paul as given by Luke have been noted for some time. Richard Rackham found agreement between the two traditions also in the content of the accusations. Both were accused of political and religious crimes and at the core of the charges was the issue of the Jewish temple (The Acts of the Apostles, 6th ed. [London: Methuen & Co., 1912], p. 444).

At the same time it must be recognized that there exists one fundamental difference between these two trial traditions. In the trials of Jesus there are no speeches, whether of accusation or defense. It is due to this fundamental difference in the content of the traditions and to the dissimilarity of the genres, one being gospel and the other being "historiography" or "romance," that we have omitted any comparison of the trial accounts of Jesus and those of Paul in Luke-Acts.

[4]See above, p. 71.

[5]Acts 4:5-22; 5:27-41. [6]Acts 6:12-7:60.

Out of approximately 311 verses given to speeches in Acts,[1] fully one-third of the total composition, 121 verses, have been used to present speeches in the context of trials. The speeches of Peter and Gamaliel in the two confrontations of Peter and John with the Sanhedrin account for 14 verses, the defense of Stephen is presented in 52 verses, and the apologies of Paul take 55 verses. It is these defense speeches of Paul which will now engage our attention.

The first part of this chapter will be given to a study of the literary form of Paul's apologies and their narrative framework. The chapter and the investigation as a whole will conclude with a comparative analysis of Paul's speeches with the 23 similar speeches from the genres of history and romance which were treated in chapters two and three.

The Defense Speeches of Paul

There are five trial or court scenes in Acts which have to do with Paul.[2] The first episode describes Paul's defense before the Hebrews in the temple court (21:27-22:29). This account is followed by a record of hearings before the Sanhedrin (22:30-23:10),

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[1]The counting of the verses in Acts has been explained above, p. 16, n. 2.

[2]Dibelius (Studies in Acts, p. 212) also lists five hearings but he omits the scene before the Jewish people in the temple area and adds the appearance before Felix and Drusilla (24:24-25). I am not able to agree with Dibelius that this encounter with Felix and Drusilla is a "hearing". The writer merely notes that Paul was sent for and that he spoke on "faith in Christ Jesus". The next verse (24:26) informs us that such appearances before Felix took place often in the two years of Paul's imprisonment in Caesarea.

before Felix (24:1-23), before Festus (25:6-12), and before Festus and Herod Agrippa II (26:1-32). Rackham[1] claimed that only three of these trials were legal, the ones before the Sanhedrin, Felix, and Festus. The question of the legality of the hearings and the associated issue of the historicity of the account are beyond the scope of this paper. Our concern is whether the narrative presents a defense speech on behalf of Paul in the context of a trial scene.

In one of the five appearances of Paul, the one before the Sanhedrin,[2] the defendant is not permitted to make a speech. Though he evidently begins an address with the words "ἄνδρες ἀδελφοί (Brethern)",[3] he is interrupted by a slap in the face. After a few interchanges between the participants in the trial, we read that Paul makes a further attempt to address the court. The term of address, ἄνδρες ἀδελφοί, is repeated and Paul defines the nature of the problem as being over the "hope and the resurrection of the dead". This outburst of Paul produces a violent reaction and once more he is interrupted. Paul no where clearly indicates that he was attempting to make a defense and from the framework we do not read of the charges nor the decision of the court.[4]

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[1]Richard Belward Rackham, ed., The Acts of the Apostles (6th ed.; London: Methuen & Co., 1912), p. 405.

[2]Acts 22:30-23:10.

[3]The Greek text of Acts is taken from Novum Testamentum Graece, ed. by Erwin Nestle and Kurt Aland (25th ed.; London: United Bible Societies, 1963). Textual critical problems will be treated whenever they involve the literary analysis of the text.

[4]It could be argued, however, that the writer intended the contention of Paul's innocence by the Pharisees (23:9), one sector of the people present, to serve as decision of the court which is usually included in the closing framework of a trial account.

We also fail to find a speech in Luke's portrayal of Paul's defense before Festus.[1] The account opens with a brief description of the tribunal and an allusion to charges (αἰτιώματα) being brought against Paul by the Jews from Jerusalem. No accusation speech is included in the narrative and the nature of the charges is not specified. As for the defense speech, we have only the brief statement by Paul in direct speech claiming that "οὔτε εἰς τὸν νόμον τῶν Ἰουδαίων οὔτε εἰς τὸ ἱερὸν οὔτε εἰς Καίσαρά τι ἥμαρτον. (Neither against the law of the Jews, nor against the temple, nor against Caesar have I offended at all.)" Since these few words do not open with a term of address and the introductory verb of saying is not a finite verb but rather a genitive absolute construction (τοῦ Παύλου ἀπολογουμένου), one cannot but wonder if we do not have a summary of a speech by the narrator even though it is put in the mouth of Paul as direct speech.[2] At any rate the emphasis of the writer appears to be directed to the interchange between Paul and Festus which culminates in Paul's appeal for a hearing before Caesar.

We are left with three court appearances each of which involves a defense speech. These episodes will be analyzed in the order in which they appear in the composition of Luke. Under each

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[1]Acts 25:6-12.

[2]The ὅτι could be taken as recitativum or indicating indirect discourse. The passage in either case is not so long as to require a change from one form of speech to the other, as Blass and Debrunner claim was often the practice in classical Greek (F. Blass and A. Debrunner, A Greek Grammar of the New Testament and Other Early Christian Literature, trans. and revised from the ninth-tenth German edition by Robert W. Funk [Chicago: The University of Chicago Press, 1961], pp. 246, 247). The fact that the verb ἥμαρτον is in first person requires us to take the utterance as direct discourse.

account we will discuss in sequence the following elements of the literary unit: the opening framework; the introduction, body, and conclusion to the speech; and the closing framework of the incident.

Before the Jews in Jerusalem

The confrontation of Paul and the Jewish mob in the temple courtyard,[1] despite Dibelius to the contrary,[2] is obviously intended by Luke to be understood by the reader as a defense by Paul before the people as his judge.[3] The entire scene takes on the coloration of a typical court hearing. A close scrutiny will reveal that all the necessary elements are present, from the speech of accusation to the decision of the court.

The Opening Framework

The narrative unit begins with Paul being seized and accused of crimes against the people, the law, and the temple. The speech of accusation opens with a typical Greek term of address adapted to the Jewish audience, ἄνδρες Ἰσραηλῖται (Men of Israel). Though the story goes on to describe Paul's arrest by the tribune, the speech of defense which follows is given before the same gathering which had first ἐπέβαλαν ἐπ'αὐτὸν τὰς χεῖρας.[4] This expression having to do with "laying the hands upon" someone is commonly used

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[1]Acts 21:27-22:29. [2]See above, p. 206, n. 1.

[3]Cf. also C. F. Evans, op. cit., pp. 292, 293; F. F. Bruce, The Speeches in the Acts of the Apostles (London: The Tyndale Press, 1942), p. 22; and Haenchen, Acts, p. 624.

[4]The Western text reads ἐπιβάλουσιν but the substitution of the present tense for the aorist would make no difference in my analysis at this point.

by Luke and other New Testament writers to indicate arrest.[1] Paul therefore is presented as defending himself before those who have arrested him and who have charged him with criminal offenses, a development we would naturally expect in trial episodes.

The framework concludes with a brief description of the defendant standing before the people and motioning for silence. The verb of saying is the present participle λέγων.

The Speech

The introduction of the speech consists of one sentence in which are found the terms of address, Ἄνδρες ἀδελφοὶ καὶ πατέρες , and the admission by the speaker that he is making a defense (ἀκούσατέ μου τῆς πρὸς ὑμᾶς νυνὶ ἀπολογίας). There is no captatio benevolentiae.[2]

The body of this 50 line speech[3] is biographical in content. It does not mention the charges specifically but the accusations having to do with the people, the law, and the temple are nevertheless refuted.[4] His speech opens with a strong claim for his support of the law and midway in the address he finds occasion in the mention

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[1]Cf. Acts 4:3; 5:18; Luke 20:19; 21:12; Mark 14:46.

[2]I am not able to agree with Haenchen (Acts, p. 109) that this speech, "like every speech of antiquity," opens with a captatio benevolentiae. Paul's admission that there was much in common between his life and that of his accusers (22:3) would not be taken as complimentary by his listeners. Furthermore, this investigation has shown that ancient speeches did not always have a captatio benevolentiae.

[3]The length of the speech has been calculated on the same basis as was used previously for speeches not contained in the Loeb Classical Library texts, i.e., seven and one-half words per line.

[4]The typical Greek term for "charges," αἰτίαν , occurs only in the closing framework to this speech (22:24).

of Ananias to further testify to his innocence in this respect. He calls to his defense the support of this Jew of Damascus who was "a devout man according to the law" and was "well spoken of by all the Jews who lived there (22:12)." The charge that Paul was against the Jewish people is answered in the two admissions by Paul that he was actually involved at one time in persecuting those who were regarded as enemies of the people (22:4-5, 19-20). The final charge of being against the temple is rebutted in Paul's claim that in the past he had come to the temple for prayer (22:17).

The apology of Paul before the Jewish people is interrupted at the point where he speaks of his mission to the Gentiles. Though he has briefly treated the questions of his attitude toward the Jewish nation, the law, and the temple, his biographical defense has a long way to go if he is to deal with Paul's "teaching men everywhere (21:28)." That such a long speech would have been possible for Luke to include is not difficult to imagine when it is noticed that Stephen's defense speech is over 50 verses in length.[1] In any case, we are left with an interrupted address that has no conclusion. It is true that the last part of the speech as we have it repeats the mention of Paul's former activities as a persecutor and to this degree could indicate an attempt at ring composition,[2] a literary device often found at the opening and closing of a speech. But the presence of an introduction to a speech which does not have a

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[1] Acts 7:2-53.

[2] Cf. Acts 22:17-21 with 22:3-5.

conclusion and the general difference in content between the first and last sections suggests that the writer intended to let the address stand in content and structure as an incomplete speech.

Closing Framework

The narrator takes care to have the same people passing judgment on Paul as had provided the accusation. The reaction of the "court" is described and their verdict is recorded. The "jury" declares that Paul is guilty in its pronouncement that "οὐ γὰρ καθῆκεν αὐτὸν ζῆν (he ought not to live)."

The encounter with the Jews ends when the tribune orders (ἐκέλευσεν) Paul to be taken into the barracks and to undergo an investigation or examination involving torture (μάστιζιν ἀνετάζεσθαι αὐτόν). The episode closes with further dialogue between Paul, a centurion, and the tribune.

Before Felix in Caesarea

The defense before Felix and the speech made later before Festus and Agrippa are without doubt to be read as apologies. They exhibit all the earmarks of a defense speech.[1] Referring particularly to the defense before Felix, Preuschen long ago made mention of its literary form.

> Ein Protokoll der Verhandlungen darf man im folgenden nicht erwarten. Sowohl die Anklagerede als auch die Verteidigung sind rhetorische Stilübungen, die sich an ein hergebrachtes Schema halten.[2]

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[1]Evans is convinced that these two addresses "are expressly speeches of defence by a man on trial.... (Op. cit., p. 292).

[2]Erwin Preuschen, Die Apostelgeschichte in Handbuch zum Neuen Testament, Vierter Band: Erster Teil (Tübingen: J. C. B. Mohr, 1912), p. 137.

Haenchen agrees with Preuschen that the speeches of the accuser and defendant "keep to a customary outline," but he does not hold that they were composed in the interest of stylistic rhetorical exercises. According to Haenchen "they are very ingeniously devised for the purposes in view," i.e., they keep the reader's interest alive and serve to explain why the innocent Paul could remain in prison for so long a period.[1]

Whether these speeches follow the protocol form, are merely "ingeniously devised," or reflect some other literary pattern is a question we can only entertain once the literary analysis has been completed. We turn, therefore, to the study of the defense speech of Paul before Felix.[2]

The Opening Framework

The narrative setting of this episode (24:1-9) clearly identifies the participants of the trial and records the speech of accusation.[3] We know from the first two verses that the plaintiff is Ananias, the high priest, and that his counselors are some of the elders and a "spokesman" or orator (ῥήτωρ). We are also introduced to the defendant, Paul, and to the magistrate who is to try the case.

The speech of accusation opens with an elaborate exordium which is clearly recognized as a captatio benevolentiae.

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[1] Haenchen, Acts, pp. 652, no. 5, 106.

[2] Acts 24:1-23.

[3] I have no intention of disputing the claim of F. F. Bruce (et alii) that the speeches as we have them in Acts are summaries or epitomes (The Book of Acts, in The New International Commentary on the New Testament, ed. by Ned B. Stonehouse [Grand Rapids: Wm. B. Eerdmans Publishing Company, 1954], pp. 463, 488). The same might be said for the speeches found in historiography or romance.

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The speech continues with a listing of the charges against Paul. He is accused (κατηγορεῖν) of being an "agitator" among the Jews, a "ringleader of the sect of the Nazarenes," and one who "tried to profane the temple." The accusation ends[1] with the claim that the governor's examination will confirm the validity of the charges.

The opening framework draws to a close with a notice that the Jews, evidently the elders (πρεσβύτεροι) who had accompanied Ananias, agreed with the orator in his presentation of the charges. At this point the governor gave the nod (νεύσαντος) to Paul that he is permitted to speak. The verb of saying is Ἀπεκρίθη.

The marginal reading of the Harclean Syriac version records a variant reading at this point in the marrative. The expansion has the writer declaring that Paul assumed a godlike stance to make his defense (defensionem habere pro se. statum autem assemens divinum dixit). This variant is attractive from a literary point of view because it has Luke identifying the address of Paul as a defense speech and uses a finite verb comparable to εἶπεν as the verb of saying. Nevertheless, the reading has been rejected on the grounds of external evidence and intrinsic probability. The variant is supported by one textual tradition, the Western text,[2] and the evidence is rather late. In addition, the content is more in harmony

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[1]The Western text offers an expanding reading of verses 6-8 which has been accepted as genuine by some critics. For a discussion of the issue see Haenchen, Acts, p. 653, n. 4.

[2]Bruce M. Metzger in The Text of the New Testament (London: Oxford University Press, 1964), p. 71, observes that "The Harclean apparatus of Acts is the second most important witness to the Western text, being surpassed in this respect only by codex Bezae."

with the later traditions on Paul than with the Lukan material found in Acts.[1]

The Speech

The address of Paul opens with a brief captatio benevolentiae for an introduction.[2] There is no term of address but Paul does clearly indicate that he is making his defense (ἀπολογοῦμαι).

The body of this speech of 27 lines takes seriously the charges of Tertullus and offers a refutation to two of them. He denies that he is an agitator or that he had defiled the temple. He does, however, admit that he is a member of the sect of the Nazarenes.

The conclusion to the speech is not clearly defined. The difficulties have to do with both form and content. On the one hand, the Alexandrian text breaks off at verse 19 (chapter 24) to create, according to Williams, "a typically Pauline anacoluthon."[3] The Byzantine textual variants at this point have been taken as later attempts to smooth over the problem. We have no record of the Western tradition at this place. On the other hand, there is a definite shift in the content. The trend of the argument moves from a consideration of the charges of Tertullus, for which there can be no corroboration from those present, to a challenge to the accusers

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[1] Cf. also Haenchen, Acts, p. 654, n. 1.

[2] A few manuscripts (E, Ψ, 69, 614, gig) add the adjective δίκαιον to the complimentary words addressed to Felix. In view of the very reserved favorable remarks in Paul's captatio benevolentiae in comparison to the open flattery of Tertullus just preceding, it is doubtful that the reading is genuine. In any case, the one additional word does not affect the literary form of the introduction.

[3] C. S. C. Williams, A Commentary on The Acts of the Apostles, in Black's New Testament Commentaries, ed. by Henry Chadwick (London: Adam and Charles Black, 1957), p. 255.

facing the speaker at this hearing to provide charges against the defendant for which they can supply firsthand evidence. This turning of the content of the speech from a defense to a challenge of the legality of the charges may be understood as constituting a conclusion to the defense, but its abruptness does leave room for uncertainty.

The speech has not employed any rhetorical questions nor terms of address. And though Paul has mentioned the issue of the resurrection twice in the defense, his speech has not been interrupted.

The Closing Framework

The encounter before Felix is brought to a close by the writer in typical fashion. The governor is described as adjourning[1] the trial and giving orders (διαταξάμενος) in respect to custody arrangements for Paul. There are no further words from Felix. In fact, the account is presented by Luke without a dialogue between the participants.[2]

Before Festus and Agrippa

The defense before Festus and King Agrippa is held by Bruce to be the speech "which, above all his other speeches

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[1]The term ἀναβάλλω is defined by Bauer (A Greek-English Lexicon of the New Testament revised and ed. by William Arndt and F. Wilbur Gingrich [Chicago: University of Chicago Press, 1957], p. 50), as the legal term for the adjournment of a trial.

[2]Verse nine does mention that certain "Jews" did agree to the charges of Tertullus. But there is no compelling evidence to interpret this statement otherwise than a reference to the "προσβύτεροι" present (24:1) who could have made (according to the writer) short statements of affirmation to the court supporting or repeating the charges.

recorded in Acts, may worthily claim to be his (Paul's) Apologia Pro Vita Sua."[1] The speech of 56 lines is the longest of the apologies credited by Luke to Paul.[2]

The Opening Framework

The last confrontation of Paul before either Jewish or Roman authorities is introduced by a detailed account of the court scene (25:23-26:1). The reader is informed about the arrival of King Agrippa and Bernice and the "great pomp (πολλῆς φαντασίας)" surrounding them and their retinue of "military tribunes and the prominent men of the city (σὺν τε χιλιάρχοις καὶ ἀνδράσιν τοῖς κατ' ἐξοχὴν τῆς πόλεως)."

As the scene is described, there is no specific mention that a trial is taking place. Paul's appeal to be tried before the Emperor (25:10-12) rules out that possibility.[3] But as our investigation has showed, preliminary investigations or hearings were considered as a form of trial and on such occasions many defense speeches were given. It would seem that this appearance before Festus and Agrippa is a case in point. Festus speaks of the proceeding as a "ἀνάκρισις" or "preliminary hearing."[4] One of the prrposes of the examination in classical times, especially in Athens, was to see if there was enough evidence for the case to stand.[5] That there was

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[1]F. F. Bruce, op. cit., p. 488. [2]Acts 25:23-26:32.

[3]Though Paul in his address (26:6) speaks of himself as standing on trial (ἕστηκα κρινόμενος).

[4]Bauer, op. cit., p. 56.

[5]Henry George Liddell and Robert Scott, eds., A Greek-English Lexicon. A new edition (9th ed.) by Henry Stuart Jones, with the assistance of Roderick McKenzie. (Oxford: Clarendon Press, 1925-40), p. 109.

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some question over the charges (αἰτίας) seems obvious enough from 25:25-27.

Ordinarily we would expect that the accusers would also be present at such a hearing. In this case we are informed from the immediate preceding context that Festus was troubled over the charge (αἰτία) because it concerned the superstitions (δεισιδαιμονίας) of the Jews and the alleged resurrection of Jesus, matters which were somewhat out of the range of his competence (25:18-20). Thus while no specific charges are mentioned in the opening framework we are informed that it is in reference to the question of the charges that the hearing is being held.

The narrative setting is concluded with Agrippa giving permission (ἐπιτρέπεταί) for Paul to speak.[1] The verb of saying is ἀπελογεῖτο, a term which not only introduces the speech of Paul but permits the narrator to label the address as an apology.

The Speech

The introduction to Paul's apology contains all the usual ingredients. Within the very first sentence Paul uses the term of address, Βασιλεῦ Ἀγρίππα , which he will use (with some variation)[2] three more times in the speech. The speaker also clearly indicates that his remarks are to be taken as an apology (ἀπολογεῖσθαι). In addition, the brief introductory remarks form a captatio benevolentiae.

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[1]The Harclean margin makes mention of a variant at this point which speaks of Paul's confidence and consolation through the Holy Spirit. The reading has been rejected for the same reasons the similar variant was omitted at 24:10. See discussion above, pp. 213, 214.

[2]The entire expression is used in the introduction and in what appears to be the conclusion (see below). In the body of the speech the king is addressed twice by title only, i.e., Βασιλεῦ .

They speak of Paul's happiness that he is permitted to defend himself before Agrippa who knew so much about the customs of the Jewish nation.

The body of the speech is first concerned to establish Paul's innocence. He has been a strict Pharisee for the most part of his life and even now is being accused (ἐγκαλέω)[1] unjustly because that crime for which he is being charged is actually the religious hope already held by his accusers and supported by their traditions. He completes his statement of innocence by specifically identifying the issue as having to do with the resurrection of the dead. The clarification of the problem is made in the form of a rhetorical question.

It may be well to notice at this juncture that Paul consistently declares his innocence at the outset of all his defense speeches. This statement of innocence is not always recognized because for many interpreters the central charge has to do with the desecration of the temple.[2] Yet in every statement of the charges[3] it is not the issue of the temple but the question of Paul's

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[1]This legal term for accusing or bringing charges against someone (Bauer, op. cit., p. 214) occurs six times in Acts and always in the context of Roman legal hearings. The term is used twice by the town clerk of Ephesus (19:38, 40), two times by Claudias Lysias in his letter to Felix (23:28, 29), and twice by Paul in this defense before Agrippa (26:2, 7). The more typical term found in the New Testament as well as in the writings of Luke (including 10 occurrences in Acts) for making an accusation is κατηγορέω, also identified by Bauer (Op. cit., p. 424) as a legal expression.

[2]For example, Haenchen (Acts, p. 691) in commenting on this speech before Agrippa, claims that "the concrete crime (the defilement of the Temple!) is forgotten,..."

[3]The emphasis in the first accusation prior to his arrest had to do with Paul's teachings "against the people and the law and

teachings which is emphasized. Are Paul's viewpoints orthodox? Are they true? The defense logically relates Paul's teachings to the traditions of his accusers and demonstrates the truth of his teachings. The latter point is the purpose of the account of his conversion experience. For it is on the Damascus road that he sees Jesus of Nazareth and therefore comes to know the truth of the resurrection aspect of the teaching.

The main argument of his defense continues the narration of his past history, emphasizing that if there is any truth to the charge that he is an agitator it would apply to his former life when he was a comrade of the chief priests. This section of his speech appears to conclude with the repetition of the special mission of Paul to the Gentiles. What is different is that the speech does not conclude with an interruption at this point.[1]

It may be argued with some supporting evidence that the repetition of the term of address in a form used only at the opening of the introduction is one indication that verses 19 to 23 are to be taken as the conclusion of the speech. Conclusions in ancient speeches often used either form or content to round off the speech by referring the listener back to the introduction. In addition,

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this place (21:28)." Tertullus (24:5, 6) charged Paul with being "a pestilent fellow, an agitator among all the Jews throughout the world, and a ringleader of the sect of the Nazarenes." The matter of defiling the temple is just touched on as a last point. When Festus recounts for the benefit of Agrippa his hearing of the case (25:17-19), the only charges he cites are those of the Jews who "had certain points of dispute with him about their own superstition and about one Jesus, who was dead, but whom Paul asserted to be alive."

[1]Cf. the first defense (22:21) which ended at the place where he speaks of his mission to the Gentiles.

it cannot but be noticed that the last sentence calls attention to his present testimony before them and stresses the resurrection of Jesus, both of which are to be found in the last words of his defense before Felix.[1]

On the other hand, Paul continues to defend his innocence of committing any crimes against the people, the law, and the temple. He admits that he taught both Jews and Gentiles to "repent and turn to God and perform deeds worthy of their repentence."[2] According to Paul, it was this issue that was the cause of his being attacked in the temple. In this manner he denies that he had profaned the temple and adds for emphasis that his teaching agreed with the prophets and, in particular, with Moses.[3]

Perhaps the strongest argument against the claim that these last verses constitute the conclusion is to be found in the Greek construction which follows in verse 24. Luke introduces the remarks of Festus with the genitive absolute construction involving a present participle.[4] The obvious intent of the syntax is to show that while Paul was in the process of making his defense Festus interrupts with the exclamation that Paul is mad. If Paul has not concluded his speech we have no way of being sure if these verses (19-23) were intended by the writer to form any part of or the major portion of the conclusion. After all, an interruption can

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[1] Acts 24:21

[2] Acts 26:20.

[3] Acts 26:21, 22.

[4] For a discussion of this common usage of the genitive absolute participial construction in the New Testament see F. Blass and A. Debrunner (op. cit., pp. 215, 218-219).

occur anytime in a speech from a moment after the introduction opens until a moment before the end of the conclusion.

In view of the arguments above which show from content and form some indication that these final verses are to be taken as the conclusion, and because there is no necessary inference to be drawn that Paul needed to say more,[1] the position taken here is that the conclusion of the defense speech is at least in part present.

The Closing Framework

The conclusion to Paul's last apologetic speech is followed by an admission of the narrator that the speech was indeed one of defense and some dialogue in direct discourse between the participants in the trial. This free exchange between the defendant and the officer (s) of the court has been found to be more typical of the trials of the Christian martyrs than of the more general works of history or romance.[2]

When the interchange between Paul, Festus, and Agrippa is finished the officials are portrayed as leaving the audience chambers and consulting with each other (καὶ ἀναχωρήσαντες ἐλάλουν πρὸς ἀλλήλους). The episode is closed with a notice of the verdict of the court. In this instance the decision is in favor of the defendant. Agrippa declares that Paul would be entitled to his freedom (ἀπολελύσθαι ἐδύνατο) had he not made an appeal for a hearing before Caesar.

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[1]The speech as we have it covers the main events in the life of Paul. His conversion, the mission to the Gentiles, and the return to Jerusalem and the arrest are all included. The one completed speech (24:10-21) was not nearly so thorough.

[2]Cf. Table 1, line 11, in Appendices I and II below.

We have completed the analysis of the third and last defense speech of Paul. Before attempting the comparison of these apologies of Paul in Acts and the defense speeches in ancient historiography and romance, which will conclude our investigation, let us summarize Luke's treatment of the defense speech as it is revealed in his coverage of these three trials of Paul. Do any patterns come to light? Are there any features which could be classified as "characteristic" of Luke?

Summary

We have completed our analysis of the three defense speeches Luke records in his narration of the five trials or hearings in which Paul was involved.[1] Three apologies are hardly enough to establish a Lukan pattern but even this total is equal to the number found in Tacitus. In fact, only Livy has left us more defense speeches than either Tacitus or Luke.[2] If we pull together the common elements in these three apologies the following picture emerges.

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[1] The appearance of Paul before the βῆμα of Gallio (Acts 18:12-16) has not been included because the trial never developed. The proconsul threw out the case before Paul had the opportunity or even the need to defend himself.

[2] Had we extended the survey to include the entire composition we would have added only three additional hearings. The two appearances of Peter and John before Jewish councils (Acts 4:5-22 and 5:27-42) do not involve defense speeches long enough to permit analysis. Only the trial of Stephen before the council of the Jews (Acts 6:12-8:1) presents an apology of sorts. This speech, the longest recorded in the book of Acts, is not identified as a defense speech, does not answer the charges, nor does it affirm the innocence of the defendant.

Each defense speech is framed by an opening and closing narrative setting exhibiting certain features we have noted in the previous literary studies.

The Opening Framework

The introductory narrative material locates the trial or hearing in a historical context and informs the reader of the participants of the trial. The defendant is never described in detail by Luke though he is always named. The charges are mentioned or alluded to. The speech is not usually identified by the writer as one of defense.[1] In two of the three accounts the speaker commences his address only after he gets the nod or permission from the officer in charge.

The Closing Framework

Luke usually completes his narration of each of the trial episodes with a short description of the reaction of the court or the magistrate in charge. In addition, there is always some mention of the decision of the court. It may be a vote of guilty, a postponement of the decision or a declaration of innocence, but in each instance some reference is made to the verdict. In two of the three accounts the officer in charge gives an order in reference to the prisoner. Only in the hearing before Festus and Agrippa, when no decision affecting Paul's status as a prisoner was possible in view of Paul's previous appeal to be tried before Caesar, is there no further order given.

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[1] The only speech identified by the writer in the framework, whether opening or closing, is the apology before Festus and Agrippa. In this one address the narrator clearly labels the speech as to type in both the opening and closing comments.

The three speeches of Paul are of uneven length. What is surprising, however, is that the two interrupted speeches are approximately the same length, 50 and 55 lines, yet about twice the length of the one speech which is presented as a complete address.

The Speech of Defense

The apologies of Paul have short introductions, two of which involve a captatio benevolentiae. The introductions are in every instance clearly defined and are careful to specifically label the speech as an apology. In two of the three speeches Paul uses a term of address. The speeches are introduced without reference to the innocence of the defendant and without any mention of the plan or outline the defense shall take. The verb of saying varies but it is never εἶπεν.[1]

There is a good deal of similarity in the core of these three defense speeches. The general outline of each one is biographical. Nevertheless, with the exception of the defense before the Jews in the courtyard of the temple, the apologies immediately get to the issues of the charges and stress the innocence of the defendant. The accusations are only indirectly treated in the first speech. The speeches agree in their omission of rhetorical questions, additional accusations and neither speech identifies itself as an apology.[2] Only the last speech, the defense before Festus and

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[1]The one time Paul is presented as opening his speech with a declaration of innocence is in the attempted defense before the Jewish council (Acts 23:1). It is in this same introduction that we find the first and only use of εἶπεν as a verb of saying.

[2]It is true that one rhetorical question does appear in these apologies. It does not seem reasonable, however, to use this one occurrence (Acts 26:8) as evidence that this common rhetorical device occurs in Paul's speeches.

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Agrippa, includes the use of the term of address in the body of the speech.

The most uncertain formal element in these three defense speeches is that of the conclusion. The only complete speech of the three, the defense before Felix, does not contain a clearly recognized conclusion. The break in the construction from 24:19 onward and the change in content lead one to question whether Luke intended the speech to be viewed as complete as it stands. If so, should the portion following the anacoluthon be understood as the formal conclusion or are we to regard the speech as having no literary conclusion?

The two remaining apologies are interrupted prior to their completion. Dibelius was of the opinion that the interuption of a speech, "rarely to be observed elsewhere in the work of the ancient historians," was actually a "literary device" used by Luke to emphasize the point of importance in the speech.[1] Haenchen agrees with Dibelius that "the interruption of the speaker by the listeners is a literary device peculiar to Luke."[2] Whether Dibelius was correct in so understanding these interruptions is a matter that lies beyond the scope of this investigation.[3] Our

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[1] Dibelius, Studies, pp. 161, 160.

[2] Haenchen, Acts, p. 628.

[3] Dibelius mentions in particular the speeches of Stephen, Demetrius, and those of Paul in Athens and before Agrippa (Op. cit., p. 160). It is not at all clear, however, how many of these and of the remainder of the 24 speeches in Acts are actually presented by Luke as interrupted. Before this conclusion can be established a thorough literary analysis of the speeches is necessary as well as a study of the syntax construction of the narrative framework following

concern is to discover the effect of these interruptions on the formal character of the speeches.

Our previous analysis pointed out that the speech of Paul before the Jews in Jerusalem was interrupted before Paul could deal with his ministry among the Gentiles, one of the specific points mentioned in the accusation. The narrator obviously intended for the reader to understand that the speaker had planned to say more[1] and there is nothing in the content to suggest that Paul was near the end of his address. We can only take the position that this interruption by the Jews has resulted in the omission of any formal conclusion.

The third and last defense speech of Paul covered all the necessary elements of Paul's life and ministry and in part formed a ring composition with the introduction in its mention of Paul standing trial. The repetition of the term of address as it appeared in the introduction and the summary nature of its content are also evidence to support our position that this closing section of the speech functions as a formal conclusion.

It must nevertheless be emphasized here that Paul has complicated our literary analysis with some unique features at this point. In the first place what would appear to be an adequate conclusion becomes an interrupted one when one reads the closing framework. The genitive absolute construction with its

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the speech. Such exclamations of the audience may be in places no more than the writer's way of giving the audience's reaction to the address.

[1]Luke explains the interruption with the observation that "Ἤκουον δὲ αὐτοῦ ἄχρι τούτου τοῦ λόγου (Acts 22:22)."

present participle clearly leaves the suggestion that Festus has interrupted Paul. Then the writer follows up the interruption with a free exchange between the court participants. Such dialogue does not appear in Luke's compositions as part of any introduction or conclusion to a speech. Where such exchanges take place no speeches are given.[1] It is interesting to ask whether Luke intended this dialogue at the end of the last defense to match the dialogue of Paul with the tribune which took place just before the opening of the first defense.[2] Since we have consistently refrained from any mixing of the dialogue with the speech form no analysis of this interchange has been undertaken and neither has it been considered as part of the conclusion to Paul's defense.

The only reasonable deduction to be drawn from the foregoing survey of the endings of the three speeches of Paul is that Luke has not used any consistent pattern in the formulation of his conclusions. All three speeches end differently.

The more fundamental question, however, has to do with Paul's defense speeches as a whole. Did Luke follow any literary pattern for the composition of these speeches and/or their framework? If he did, can we locate such literary models in the writings of ancient historiography or romance? This was the question with which this investigation opened and now that our survey of the appropriate literature has been completed that question must be faced. The answer can only come from a comparative literary analysis which we are now prepared to undertake as the conclusion to the entire investigation.

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[1] Cf. Acts 23:1-6 and 25:8-12. [2] Acts 21:37-39.

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Conclusion

The foregoing literary survey has studied 36 ancient sources in the genres of history and romance, as well as the defense speeches of Paul in Acts, in an attempt to locate defense speech models which might throw some light on Luke's literary patterns for Paul's apologies.[1] The assumption underlying this comparative study is that of form criticism (better described as Gattungsforschung than Formgeschichte), i.e., that ancient writers followed rather closely "established literary types."[2]

The majority of these 36 possible sources which have been reviewed in this investigation have been found to yield little if any information on the defense speech in a trial context. More than two-thirds of the total have been found unsuitable for comparison purposes due to various inadequacies. Four Greek historians were excluded for non-contemporaneousness.[3] A further reduction is necessary because of the fragmentary condition of the protocols and pagan martyr literature. The romances of the Jewish and Christian literary traditions were found to have nothing in the way of trials with apologies. To these eight sources and writers to be omitted from our comparative analysis must be added the 14

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[1] The study has actually involved more than 36 writers and sources. For further detail consult pages 203 and 204 above as well as Appendices I-III.

[2] This assumption has been discussed in some detail in my presentation of the methodology of this investigation which appears above, pp. 55ff.

[3] The four Greek historians are Herodotus, Thucydides, Xenophon and Polybius.

historical sources and four novelists who do not leave any record of trials or who do not furnish us with defense speeches in direct discourse of sufficient length to permit proper examination of their form.[1] The net result of these unavoidable reductions is 10 writers and sources, seven in the area of history and three in the genre of ancient romance. These 10 sources provide us with 23 apologies which appear suitable for an adequate and legitimate comparative study.

It will be the task of this concluding section of the treatise to attempt a match between the defense speeches of Paul and at least a part of these 23 speeches meeting the criteria of this inquiry. The data will be presented in numerical form by way of appropriate Tables for each section of the analysis.[2] Each Table will compare the way in which the various defense speeches relate to the formal characteristics of the narrative framework or defense speech covered in that section of the analysis.

The six categories of speeches will reflect the various literary traditions which have come under the scrutiny of this investigation. The Greek sources of the first column include the apology of Servilius by Dionysius of Halicarnassus and the defense

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[1] The 14 historical sources are Diodorus, Plutarch, Arrian, Diogenes Laertius, Julius Caesar, Cornelius Nepos, Sallust, Pompeius Trogus, Valleius Paterculus, Suetonius, Philo, Pliny the Younger and the Jewish historians represented in the Old Testament and Old Testament Apocrypha. The four novelists are Xenophon of Ephesus, Longus, Heliodorus, and Petronius Arbiter.

[2] The detailed analysis of the individual speeches in support of the data may be found by consulting the appropriate earlier discussion of each speech and the summary Tables in Appendices II, III, and IV.

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of Piso by Appian.[1] Twelve speeches are covered in the second column. These Latin compositions comprise the seven apologies of Livy, two defense speeches reported by Q. Curtius Rufus, and three addresses from the hand of Tacitus. The third column reports on the two speeches found in the works of Josephus, a Jewish historian writing in Greek. These 16 speeches reviewed in columns one, two, and three are to be considered as primary source material and given the greatest weight in the evaluation of Luke's literary patterns. They date from a period roughly contemporary with the time of Luke. For this reason the three apologies of Paul are described in column four.

The three speeches from the Acts of the Christian Martyrs in the fifth column and the four apologies taken from the four novels by Chariton, Achilles Tatius, and Apuleius, to be found in column six, are to be treated as secondary sources. These seven speeches ordinarily would be excluded by reason of their late dates. They are included in this survey, though on a tentative basis, for three reasons. In the first place, strictly speaking, they are not historical works. They do, however, provide a historical record, for personal or other reasons, of defense speeches presented in a trial context. It is conceivable that they could have provided a model for Luke. Secondly, the martyrdom literature, at least in part, is considered by most scholars to represent the literary form of the protocols, as does also the pagan martyr

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[1] Though Appian wrote in Greek, his Roman nationality and his relatively late date (c. A.D. 95-165) could lead one to question what literary tradition he followed.

literature. Since only fragments of protocol accounts and the pagan martyr literature remain to this day, some of which date from periods compatible with the time of Luke, our only hope of recovering the earlier form lay in an analysis of the later material which could have preserved some of the elements characteristic of the prior formulation. This uncertainty of attempting an extrapolation to the earlier period necessarily requires that no more than secondary status be given to any conclusions derived from a study of this later literature. Thirdly, were we to exclude entirely the apologies from the late romance literature we would have nothing left in the romance genre with which to compare the speeches of Luke.

The Opening Narrative Framework

The summary analysis provided in the table below shows that in the opening narrative framework Luke's construction is quite similar to that found in the Greek and Latin speeches. The greatest correspondence occurs in the first four features with only slightly less agreement on these items with the later martyr and novelistic literature. Luke is quite the opposite of Josephus on two of the four elements as well as on the fifth where he sides with the Latin and secondary source material. Luke's individuality comes into focus with his peculiar handling of the items having to do with how the defendant begins his speech. With the exception of the Greek historians who are divided, and therefore closer to Luke's position, all sources agree that the defendant speaks on his own initiative most of the time. Luke favors the inclusion of some order or

permission to be given by the officer in charge of the proceedings. There is complete agreement that the defendant hardly ever requests permission to speak.

TABLE 1*

THE OPENING FRAMEWORK

ITEM	1 GREEK (2)		2 LATIN (12)		3 JEWISH (2)		4 LUKE (3)		5 MARTYR (3)		6 NOVEL (4)	
	+	-	+	-	+	-	+	-	+	-	+	-
01. Trial scene described	2	0	10	2	1	1	3	0	2	1	3	1
02. Charges mentioned	2	0	10	2	2	0	3	0	2	1	4	0
03. Charges/evidence read	0	2	0	12	0	2	0	3	1	2	1	3
04. Defendant described	0	2	3	9	2	0	0	3	0	3	1	3
05. Calls speech "Apology"	1	1	3	9	2	0	1	2	1	2	1	3
06. Defendant ordered or permitted to speak	1	1	3	7	0	2	2	1	0	3	1	3
07. Defendant requests permission to speak	0	2	0	10	0	2	0	3	0	3	1	3
08. Defendant speaks on own initiative	1	1	7	3	2	0	1	2	3	0	2	2

*All five Tables list the total number of speeches under survey in each category in the parenthesis at the head of the major column. The sub-columns indicate the number of speeches containing the feature (+) and the number of apologies omitting or are uncertain in their use of the element (-). When the speech is incomplete in a given section the elements involved are not registered for that part of the speech in either sub-column.

It would appear from the foregoing examination that Luke strongly agrees with the Greek and Latin writers on five features,

and with the martyrdom and romance literature to a slightly lesser degree. He is in least agreement with Josephus.[1]

The Introduction

Table 2 clearly indicates that Luke stands alone in his practice of identifying the nature of the speech in the introduction

TABLE 2

THE INTRODUCTION

ITEM	1 GREEK (2)		2 LATIN (12)		3 JEWISH (2)		4 LUKE (3)		5 MARTYR (3)		6 NOVEL (4)	
	+	-	+	-	+	-	+	-	+	-	+	-
01. Appears	2	0	9	3	2	0	3	0	2	1	4	0
02. Clearly defined	2	0	5	4	1	1	3	0	1	1	2	2
03. Saying verb εἶπεν dicere	1	1	0	9	1	1	0	3	2	1	1	3
04. Term of address used	2	0	6	3	2	0	2	1	2	0	2	2
05. Calls speech "apology"	1	1	5	4	0	2	3	0	1	1	1	3
06. Captatio benevolentiae	1	1	2	7	1	1	2	1	0	2	1	3
07. Claims innocence	2	0	1	8	1	1	0	3	0	2	3	1
08. Explains defense	0	2	0	9	0	2	0	3	0	2	0	4

and in his use of the captatio benevolentiae. On these two features the other traditions are either split or opposite in their patterns. On three features Luke is found to be in agreement with all five

[1] The data will be analyzed more precisely in Tables 6 and 7 below.

sources, except for the stand-off on item four in the romance literature. An inspection of Luke's position on the remaining three elements finds him alone in his agreement with the Greek historians on number two, perhaps more of a stylistic question than one of form, siding with the Latin and romance tradition on three, and with the Latin and martyrdom literature on the seventh feature of the introduction.

Once again Luke favors the Greek and Latin traditions, giving the slight edge to the Latin in contrast to his support for the Greek in the opening framework. His agreement with the Jewish and martyr literature is matched, leaving the romance writers in last place.

The Body of the Speech

The body of the defense speeches of Paul differs on two points from the central portion of all the other speeches being compared. Contrary to the usual pattern of apologies these speeches of Paul do not use rhetorical questions and hardly ever is the term of address found in the core of the speech. The greatest similarity between the six literary sources is found in their agreement that the speech basically stresses the innocence of the accused and does not concern itself to make counter charges against the accuser.

The following table (Table 3) shows that Luke's structure is more like the Greek speeches in this section of the address. Strangely enough the Jewish and romance literature hold second place in this phase of the analysis with the Latin following in third position.

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TABLE 3

THE BODY OF THE SPEECH

ITEM	1 GREEK (2)		2 LATIN (12)		3 JEWISH (2)		4 LUKE (3)		5 MARTYR (3)		6 NOVEL (4)	
	+	-	+	-	+	-	+	-	+	-	+	-
09. Clearly indicated	2	0	6	6	1	1	3	0	1	2	1	3
10. Opens with charges	1	1	8	4	2	0	3	0	1	2	2	2
11. Clearly treats charges	2	0	10	2	1	1	2	1	1	2	4	0
12. Rhetorical questions	2	0	8	4	2	0	0	3	1	2	2	2
13. Term of address used	2	0	11	1	1	1	1	2	2	1	2	2
14. Stresses innocence	2	0	10	2	2	0	3	0	1	2	4	0
15. Further accuses	0	2	2	10	0	2	0	3	0	3	1	3
16. Calls speech "apology"	0	2	5	7	0	2	0	3	1	2	0	4

This time it is the martyrdom literature which is most unlike the form of Luke's composition.

The Conclusion

The conclusion to Paul's speeches appear in only one of the three speeches and even then the issue is not clear. The nearest we come to finding that kind of a pattern is in the Acts of the Christian Martyrs, only in that tradition the absence is apparently not due to interruptions as in the case of Paul's speeches. Luke is not unique in recording interruptions, however, since we find one in the romance sources and four in the Latin tradition. What is

different is that Luke has more interrupted apologies than he has completed speeches. In this regard he stands alone.

In respect to the other features of the conclusions to defense speeches, Table 4 indicates that Luke is in basic agreement

TABLE 4

THE CONCLUSION

ITEM	1 GREEK (2)		2 LATIN (12)		3 JEWISH (2)		4 LUKE (3)		5 MARTYR (3)		6 NOVEL (4)	
	+	-	+	-	+	-	+	-	+	-	+	-
17. Appears	2	0	8	4	2	0	1	2	0	3	3	1
18. Clearly defined	2	0	2	6	2	0	0	2			1	2
19. Shorter than intro.	1	1	1	2	1	1	0	2			1	2
20. Speech interrupted	0	2	4	6	0	2	2	1			1	3
21. Term of address used	0	2	7	1	2	0	1	1			0	3
22. Repeats intro. content	0	2	3	5	1	1	0	2			2	1
23. Stresses innocence	0	2	5	3	1	1	1	1			2	1
24. Shows speech is ending	1	1	3	5	0	2	0	2			1	2
25. Calls speech "apology"	1	1	3	5	1	1	0	2			0	3

with the Latin and romance writers on such matters as clearly defining the conclusion and having a shorter conclusion than the introduction. The author of Luke-Acts is inclined to agree with the Jewish and novel literature when it comes to omitting in the conclusion any reference to the ending of the speech and with the Jewish and Latin writers in his neutral position on

item 23, the stressing of the innocence of the accused. The evidence from Luke is also split on the use or non-use of the term of address in the conclusion. The only agreement Luke shares with the other traditions in the use of the term of address and the repetition of the content is with the Greek historians on the latter issue. Otherwise in these two elements Paul is shown to be independent from the comparative literary traditions even as they appear to be independent from each other.

The net result of this survey of the formal features of the conclusion to the speeches places Luke in closest parallel with the Latin writers. Following the Latin tradition in a descending order of agreement would be the Jewish, the romance, and the Greek writers. The martyrdom literature is not in the running for this part of the speech because none of the three speeches in the novel genre had a formal conclusion.

The Closing Narrative Framework

It is apparent from Table 5 that the three primary sources are in close agreement with each other and with Luke on the three features to be identified in the closing narrative framework. The main differences to be found in the secondary traditions are the consistent practice of the martyrdom writers to omit the description of the trial scene and the divided evidence of a verdict being included in the romance literature.

It is worth noting at this point in our analysis that the protocols customarily included in their closing framework both the description of the court activity and the verdict. On this basis

TABLE 5

THE CLOSING FRAMEWORK

ITEM	1 GREEK (2)		2 LATIN (12)		3 JEWISH (2)		4 LUKE (3)		5 MARTYR (3)		6 NOVEL (4)	
	+	-	+	-	+	-	+	-	+	-	+	-
09. Trial scene described	2	0	8	4	2	0	3	0	0	3	3	1
10. Calls speech "apology"	1	1	2	10	0	2	1	2	0	3	1	3
11. Verdict revealed	2	0	11	1	2	0	3	0	2	1	2	2

it may be argued that the protocols show some evidence of being in greater agreement with the framework of Paul's speeches than is the later martyrdom literature which, as has been noted previously, is generally held to partially reflect the literary form of the protocols in so far as may be demonstrated from the papyri fragments.

In Table 6 below the comparisons presented in the foregoing five tables have been drawn together on a more precise basis for rating purposes. Each source was given a rating for each element based upon the degree of agreement that tradition shared with the speeches in Luke. The correlation between the sources was judged according to the number or proportion of speeches in each source which agrees with the number or proportion of speeches in Luke's speeches containing or omitting a particular feature. The scale ran from disagreement (1 point) through less disagreement (2 points), divided evidence (3 points), and slight agreement (4 points), to full agreement (5 points). When the total points on agreement for

TABLE 6

FORMAL ELEMENTS IN DEFENSE SPEECHES OF ANCIENT LITERATURE

Source	5	4	3	2	1	Total	Ave.
I. Opening Framework							
1. Greek	5		3			34	4.25
2. Latin	6				2	32	4.00
3. Romance	2	4	1		1	30	3.75
4. Martyr	3	3			2	29	3.62
5. Jewish	3		1		4	22	2.75
II. Introduction							
1. Latin	5		2		1	32	4.00
2. Greek	4		3		1	30	3.75
3. Jewish	3		4		1	28	3.50
3. Martyr	3	1	2	1	1	28	3.50
4. Romance	2	1	2	2	1	25	3.12
III. Body							
1. Greek	5		1	1	1	31	3.87
2. Jewish	4		3		1	30	3.75
2. Romance	3	1	3	1		30	3.75
3. Latin	3	1	2	1	1	28	3.50
4. Martyr	1	2		3	2	21	2.62
IV. Conclusion							
1. Latin	3		3	1	2	28	3.11
2. Jewish	2		3		4	23	2.55
3. Romance	1	3			5	22	2.44
4. Greek	1		3		5	19	2.11
5. Martyr	Conclusions not Present						
V. Closing Framework							
1. Latin	2	1				14	4.66
1. Jewish	2	1				14	4.66
2. Greek	2		1			13	4.33
3. Romance	1	1	1			12	4.00
4. Martyr		2			1	9	3.00

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all the features in a given section of the composition were averaged the resulting figure enabled us to list the sources in a descending order of agreement, beginning with the writers who in that particular section were closest to Luke's pattern (first position) and ending with the tradition showing the least amount of agreement (last position). These point averages appear in the far right column of Table 6.

Before commenting further on the results of the analysis at this stage it might be useful to make one additional refinement. In the list of formal elements to be found in the defense speech there may be found several which have more to do with content or style than with form. It is true that the question of content is never very far distant from the issue of form, especially in literary patterns of sayings or speech materials. Yet it may be argued with some justification that in a form-critical analysis the distinction between form and style or content should be maintained wherever possible. With this concern in mind, several items included in Table 6 have been excluded from Table 7 which follows. The purpose of this further limitation of the evidence is to provide as accurate a form-critical analysis as possible.

In Table 7 the item relating to the clarity with which an introduction is indicated by the writer (Table 2, Item 02) has been omitted under the judgment that such an issue is more a matter of style than form. The same might be said of elements nine, ten and 12 in Table 3. It may not be necessary to the recognition of the form to note if the body is clearly marked out, if it opens with charges, or whether rhetorical questions are present. It would, however, appear necessary to note whether the content of the body did

TABLE 7

SELECTED ELEMENTS IN DEFENSE SPEECHES OF ANCIENT LITERATURE

Source	5	4	3	2	1	Total	Ave.
I. Opening Framework							
1. Greek	5		3			34	4.25
2. Latin	6				2	32	4.00
3. Romance	2	4	1		1	30	3.75
4. Martyr	3	3			2	29	3.62
5. Jewish	3		1		4	22	2.75
II. Introduction							
1. Latin	5		1		1	29	4.14
2. Greek	3		3		1	25	3.57
2. Jewish	3		3		1	25	3.57
2. Martyr	3	1	1	1	1	25	3.57
3. Novel	2	1	1	2	1	22	3.14
III. Body							
1. Greek	4			1		22	4.4
1. Novel	3	1	1			22	4.4
2. Jewish	3		2			21	4.2
3. Latin	3		1		1	19	3.8
4. Martyr	1	1		1	2	13	2.6
IV. Conclusion							
1. Jewish	2		2		3	19	2.71
2. Latin	1		3	1	2	18	2.57
3. Greek	1		2		4	15	2.14
4. Novel	1	1			5	14	2.0
5. Martyr	Conclusion not Present						
V. Closing Framework							
1. Latin	2	1				14	4.66
1. Jewish	2	1				14	4.66
2. Greek	2		1			13	4.33
3. Romance	1	1	1			12	4.00
4. Martyr		2			1	9	3.00

mention the charges or (for example) was concerned to accuse (Items 11 and 15). Unless the charges were treated the speech could be taken as one of accusation in those instances where the speaker or writer did not clearly identify the speech as one of the defense. In the interest of this same regard for divorcing (where possible) content and style from the question of form, it would seem best to exclude two features from the conclusion (Table 4). These omitted elements are the notation that the conclusion is clearly defined (Item 18) and that it is shorter than the introduction (Item 19).

The data from Table 6 relative to the correlation found in the comparison of the opening and closing framework to the speeches (Tables 1 and 5) has been repeated without modification in Table 7 as a convenience for the reader.

It may be seen from Table 6 that the Greek and Latin writers split over the first place position on the framework, with the Latin sharing the honors with the Jewish speeches on the closing narrative construction. The Latin historians are also shown to be the most like Luke's literary pattern in the introduction and conclusion to the apology. In the body of the speech the Greek leads all sources in being most similar to the speeches of Paul.

In the more accurate formal analysis provided by Table 7 no shift in first place position takes place except in the conclusion to the speech. In the elimination of two elements not directly concerned with form the Jewish apologies have edged out the Latin for being closest to speeches of Acts in their formal construction. This change in the positions of the Latin and Jewish

traditions not only reduces the lead of the Latin but raises the degree of similarity of the Jewish speeches. The speeches of Josephus rated second place on two out of the five sections when rated in Table 6 and first place in the construction of the closing framework. In Table 7, however, these same speeches are shown to rate second place in two divisions of the speech proper and first place in the conclusion to the speech as well as in the closing framework.

In reference to the secondary traditions the romance writers typically show greater agreement with Luke than does the martyrdom literature. The one exception is in the introduction of the speech. On this point both Tables 6 and 7 agree. It is to be noted, however, that the romance tradition in certain parts of the narrative treatment is in closer harmony with Luke than certain of the historical sources. When all the formal (and stylistic or content) features are included (Table 6), the romance writers are closer to Luke in the opening framework than Josephus, more similar to Acts in the body of the speech than the Latin writers, and show greater agreement with Luke in the conclusion than with the Greek historians. When some of the questionable features are dropped in the analysis of Table 7 the romance literature no longer overrides the Greek tradition in the conclusion but moves up to first place, on an equal footing with the Greek writers, in the body of the speech.

The shifts in the degree of agreement of <u>one</u> literary tradition between the various parts of the speech and the framework,

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as well as the resulting changes in the correlation of these various speech sources when a few elements have been omitted, raise a number of important questions for our analysis. What is the average degree of agreement for the entire speech? Does it make any difference when the narrative framework is included in the construction of the literary unit? Is there enough difference in the ratings of agreements between the speech sources to show significant correlation between any or all of these sources and the speeches found in Acts? And finally, where on the one-to-five scale are these differences or agreements being registered? A score of three would indicate that in the tradition there are as many speeches which disagree as agree. If such were the case, and granting our evidence was adequate in amount and correctly analyzed, we would be forced to conclude that the writers in those traditions felt no compunction to follow any one literary model. It would then follow that the validity of our basic form-critical assumption would be in serious question.

In an attempt to answer these legitimate and crucial points of inquiry we present one final analysis of the data. The results of this comparative study are listed in Table 8 below.

The average rate of agreement of each section of the speech for each speech source have been registered in separate columns. These averages have been listed three ways. The averages from Table 6 which included all the elements observed in the speeches are to be found in Section A of Table 8. In Section B the averages from Table 7 are posted. These figures show the comparison of the various speech traditions when certain elements involving style and content have been eliminated. The averages of agreement of the

features found in the opening and closing framework of the narrative appear in Section C. When the mean of these averages taken from the various parts of the speech or framework for each source tradition is calculated, the resulting figure is the rate of agreement for the entire speech source on the defense speech or framework. The results of these computations appear in Section D of Table 8.

TABLE 8

A COMPARSION OF ANCIENT DEFENSE SPEECHES

Averages	GREEK	LATIN	JEWISH	MARTYR	NOVEL
A. Averages from Table 6					
1. Introduction	3.75	4.00	3.50	3.50	3.12
2. Body	3.87	3.50	3.75	2.62	3.75
3. Conclusion	2.11	3.11	2.55		2.44
B. Averages from Table 7					
1. Introduction	3.57	4.14	3.57	3.57	3.14
2. Body	4.40	3.80	4.20	2.60	4.40
3. Conclusion	2.14	2.57	2.71		2.00
C. Framework Averages					
1. Opening Framework	4.25	4.00	2.75	3.62	3.75
2. Closing Framework	4.33	4.66	4.66	3.00	4.00
D. Mean of the Averages					
1. Mean Average-Table 6	3.24	3.54	3.27	2.04	3.10
2. Mean Average-Table 7	3.37	3.50	3.49	2.06	3.18
3. Mean Average-Framework	4.29	4.33	3.71	3.31	3.87
4. Table 7 Plus Framework	3.74	3.83	3.58	3.20	3.46

When the speeches are compared on the basis which includes all the elements surveyed (Mean Average-Table 6) the Latin tradition shows the greatest degree of similarity with the speeches of Paul in Acts, scoring 3.54 on the five-point scale. The speeches

of Josephus follow in second position with a rating of 3.27. The Greek tradition runs third with a correlation figure of 3.24 and the romance is fourth with 3.10. The martyrdom literature scores the lowest, 2.04, due to the lack of a conclusion to either of the three speeches compared in this genre. Omitting the rating of the martyrdom source the differential between first and fourth position is 44 percentage points, 27 points between the first and second positions and 14 between the third and fourth places. Neither speech tradition, however, shows even slight agreement with the Lukan pattern. The Latin speeches average only four points beyond the middle position between divided evidence and slight agreement.

A slightly different picture comes into focus when the more precise comparison of formal features is averaged out (Mean Average-Table 7). Once again the Latin speeches are found to be more like the Pauline speeches than any of the other traditions, but the position on the five-point scale is even less positive than under the previous comparison and the margin of difference between the speech sources is less. The Latin apologies lead the way with an average of 3.50 but the works of Josephus place at 3.49, only one point less. The Greek writers rate only 12 points behind with a reading of 3.37 and the romance literature raises its position by eight points to finish at 3.18. Very little change takes place in the rating of the martyrdom literature due to the absence of the conclusion which in the other traditions met with a few alterations in the refinement of the analysis of the formal elements. It can be readily seen that there is a difference of

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only 32 percentage points between first and last positions among the four sources having all parts of the speech represented.

The highest rating for agreement with Luke's speeches is to be found in the comparison of the narrative framework. The Latin and Greek historians score 4.33 and 4.29 respectively. At some distance behind the romance literature takes third position with 3.87 and the Jewish speeches are fourth with 3.71. The martyrdom literature is once again in last place with a rating of 3.31. In this comparison of the framework a strong agreement is indicated for the Latin and Greek speeches and a substantial margain of difference, actually better than 100 points, exists between the highest and lowest scores.

Since the presentation of a speech in narrative composition involves a close connection between the framework and the speech proper, it would appear that the most accurate analysis would require a combination of the averages from the comparison of the speeches using only those features characterized as formal with the averages resulting from the comparison of the respective frameworks. These final figures are presented on line four of Section D of Table 8. The Latin speeches show themselves to be most like the defense speeches of Paul in Acts with a reading of 3.83. The Greek historians take second position with a rating of 3.74 and the defense speeches of Josephus are third with a score of 3.58. The romance writers are in fourth position at 3.46 and the martyrdom literature rates last with a mark of 3.20.

From this final analysis it is to be noticed that discounting the martyrdom source which lacked one part of the speech,

all sources rated scores from just under the mid-point between divided evidence and slight agreement to a position nearly 20 percentage points below slight agreement. To put it another way, all source traditions except the one genre in lowest position, are within 37 percentage points of each other within a possible differential of 400 and these 37 points lie roughly just above the middle point between a neutral position and slight agreement.

We have come to the end of the "thorough-going" comparative study of the defense speeches of Paul in Acts. The question to which we return is concerned with Luke as a writer. Judging Luke on the basis of his composition of the apologies of Paul, in what literary tradition is he to be placed? Is the book of Acts to be put in the category of history or romance? The evidence uncovered by this investigation based upon a comparison of 23 speeches, points to the Latin historians as exhibiting the closest affinity with the apologies of Paul. The small degree of disagreement between the Latin and Greek writers of history, however, would seem to indicate that Luke is reflecting a general pattern of historiography rather than following a particularly Latin model. Thus we may conclude that the evidence points to the genre of Acts as that of historiography and not romance. If this view is correct, it would follow that Luke's intention in the production of Acts would more likely have sided with those of historian than with the writers who, as Haenchen claimed, sought merely to entertain.

Though Luke's compositions lie closer to the formulations of the ancient historians than to the novelists of antiquity, we

have not found clear evidence that Luke was attempting to copy the great historians or that he was unique in structuring interruptions for his speeches as Dibelius claimed. Even the more widely held notion that ancient writers, including Luke, took every opportunity to insert speeches in order that they might demonstrate their rhetorical skills has not been supported by this study. Out of numerous occasions when the ancient writer could have inserted a defense speech one finds only an occasional apology. In fact, Luke is unique in his frequency of defense speeches in so short a work, though even he missed more than one good opportunity to add such a speech had he so desired.

But having discovered that the closest parallel lies between the speeches of Luke and the Latin historians, attention must also be called to the degree of agreement of Luke's compositions with the other sources, including the late materials from the martyrdom and romance literature, especially in the construction of the narrative framework. Notice must also be given of the greater correlation of the framework elements and of the more neutral position of all the sources when it comes to the construction of the speech proper. How can we account for these factors?

It would appear reasonable to conclude that the historian as well as the novelist touches base with reality when it comes to recording the court scene. We have found the form of the framework, in so far as the papyri fragments reveal, to be quite similar to that found in the accounts of trial reported in the unofficial protocols. The literary form of this portion of the narrative episode may well

owe its existence to the actual practice of the Graeco-Roman court procedure with which both the writers and their readers would be familiar.[1]

When it comes to the composition of the speech proper, the dissimilarity of the literary constructions (whether among the speeches owing their existence to the same author, those within one speech tradition, or between speeches found in the various literary traditions) points to an independence of formulation. This freedom from one particular defense speech pattern was most obvious in the work of Livy where there were enough compositions to distinguish common literary patterns had they existed. The divided evidence provided by all sources reviewed raises a serious question for the validity of the form-critical assumption that the ancient writers were closely bound to existing literary forms. If such rather stable forms existed for the various literary traditions how do we explain the existence of such variation in the speech forms? No one demands complete agreement on all points but it would appear reasonable to expect more than divided support when all comparisons are tallied. It lies beyond the scope of this investigation to show whether this independence is merely due to the individual writer's initiative or to be accounted for on the basis of an attempt by the writer to reflect what he may know or have some reason to believe was the general form of the original speech being reported. At any rate, this study has made apparent the need for additional comparative analyses of the ancient literary productions in order

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[1] Cf. the views of Hans Jochen Boecker discussed above, pp. 128ff.

that New Testament scholars be informed and assured of the proper limits of this basic form-critical assumption.

In so far as it is justified to draw such limits on the basis of a study of one type of the speech Gattung, i.e. the defense speech, this analysis has shown that Gattungsforschung does not provide an adequate method for establishing the literary genre of a composition. The variations in form among the speeches, whether between literary traditions, within one tradition, or in the speeches of an individual writer, would indicate that the various components, such as speeches, letters, and stories, were common stock-in-trade items available to every writer. The actual form of these units was modified, evidently, according to the artistic skill and intention of the author apart from any consideration of the requirements of the literary genre in which they appear.

We may also conclude, unless the results of this survey are found on the basis of further comparative analyses to be atypical, that one fundamental assumption undergirding traditional studies in Formgeschichte or Gattungsforschung has been challenged. The lack of agreement in the structure of these speeches does not support the claim that ancient writers were bound rather closely to existing literary forms. Actually, the most significant area of agreement was found to be that of the narrative framework of the speeches.

Gattungsforschung does assist one in the identification of the sub-units of a literary composition. It would appear, however, that the literary genre of a work, and the literary or (in our case) theological intention of the writer, can only be decided in terms of the arrangement and construction of the entire literary composition.

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APPENDICES

APPENDIX I

CHRONOLOGY CHART

An integrated chronology of ancient writers and sources in the fields of history and romance. Where dates are too uncertain to list even approximate years of birth and death, a single date appears to suggest the period of the writer or the earliest extant text of a source.

CHRONOLOGY CHART

HISTORIOGRAPHY	ROMANCE
Herodotus (Greek) c. 450 B.C.	
Thucydides (Greek) c. 460-400 B.C.	
Xenophon (Greek) c. 429-357 B.C.	
Polybius (Greek) c. 200-188 B.C.	
Julius Caesar (Latin) 100-44 B.C.	
Diodorus of Sicily (Greek) c. 50 B.C.	
Sallust (Latin) 86-34 B.C.	
Cornelius Nepos (Latin) 99-24 B.C.	
Dionysius of Halicarnassus (Greek) c. 25 B.C.	
Titus Livius (Latin) 59 B.C.-17 A.D.	
Pompeius Trogus (Latin) c. 95 B.C.-17 A.D.	
Nicolas of Damascus (Greek) c. 4 B.C.	
Philo (Greek) 30 B.C.-45 A.D.	
Velleius Paterculus (Latin) c. A.D. 30	
Q. Curtius Rufus (Latin) c. A.D. 45	
	Petronius Arbiter (Latin) c. A.D. 66

Appendix I

Josephus (Greek)
c. A.D. 37-100

Plutarch (Greek)
c. A.D. 46-120

Protocols (Greek-Latin)
c. A.D. 49 onward

Acta Alexandrinorum (Greek)
c. A.D. 50 onward

Tacitus (Latin)
c. A.D. 55-120

Pliny the Younger (Latin)
c. A.D. 62-113

Suetonius (Latin-Greek)
c. A.D. 69-140

Appian (Greek)
c. A.D. 95-165

Flavius Arrianus (Greek)
c. A.D. 140

Acts of the Christian Martyrs
c. A.D. 165 onward
(Dramatic Dates)

A.D. 225

Diogenes Laertius (Greek)
c. A.D. 225

A.D. 306

Chariton (Greek)
c. 2nd century A.D.

Apuleius (Latin)
c. 2nd century A.D.

Xenophon of Ephesus (Greek)
c. 2nd/3rd century A.D.

Longus (Greek)
c. 2nd/3rd century A.D.

Heliodorus (Greek)
c. 2nd/3rd century A.D.

Philostratus (Greek)
c. A.D. 220

Achilles Tatius (Greek)
c. A.D. 300

APPENDIX II

DEFENSE SPEECHES IN ANCIENT HISTORIOGRAPHY

A series of three tables listing the various ways in which apologies were reported in the writings and sources of ancient historiography, the formal elements of the speeches themselves, and certain characteristics of the framework surrounding these defense speeches.

TABLE 1

GENERAL FEATURES OF APOLOGIES IN ANCIENT HISTORIGRAPHY

Notes

Table 1 shows how 27 writers and sources (numbered across the top of the table from 1 to 27) treated defense speeches in the context of trial epidodes occurring in ancient narrative historical literature. The first four historians (marked with an asterisk) are included for the purpose of general comparison but their use of defense speeches has not been considered in the totals given in the last column.[1] They are contemporary with the general period represented by Luke-Acts and are therefore ineligible for comparative analysis. The Acts of the Christian Martyrs (column 27) is also a non-contemporary source but it has been included for purposes of illustrating the characteristics to be found in protocols and the Acta Alexandrinorum (columns 25 and 26), two sources which are in part contemporary but whose texts are so fragmentary that not one defense speech remains for our study.

The eleven general features of presentation are for the most part self-explanatory. It might be helpful to note, however,

---

[1]It is interesting to note that these four historians together report 24 trial scenes but present only four defense speeches in direct discourse. In 12 accounts they do not mention the apology.

that number eleven has to do with dialogue between defendant and judge or defendant and accuser in contrast to speeches directed to the judge or jury.

TABLE 1

GENERAL FEATURES OF APOLOGIES

IN ANCIENT HISTORIOGRAPHY

	01. Herodotus*	02. Thucydides*	03. Xenophon*	04. Polybius*	05. Dionysius	06. Diodorus	07. Plutarch	08. Appian	09. Arrian	10. Diogenes Laertius	11. Julius Caesar	12. Cornelius Nepos	13. Sallust	14. Livy
01. Number of trial scenes mentioned	1	3	10	11	18	9	16	5	2	3	NO DEFENSE SPEECHES	8	NO DEFENSE SPEECHES	36
02. Trials not citing an apology	1		2	9	2	2	7	1				3		12
03. Apologies mentioned as not given			2	1	4	3						1		3
04. Apologies merely noted or described		1	1		4	4	5	1	2	3		3		10
05. Apologies in indirect speech			2	1	6		4							3
06. Apologies in direct/indirect speech			1		1			1				1		1
07. Apologies in direct speech too short for analysis								1						
08. Apologies in direct speech		2	2		1			1						7
09. Apologies given by other than defendant		1			3			1						
10. Apologies clearly presented as non-verbatum														2
11. Free exchange between court participants														

TABLE I

GENERAL FEATURES OF APOLOGIES IN ANCIENT HISTORIOGRAPHY

	15. Pompeius Trogus	16. C. Velleius Paterculus	17. Q. Curtius Rufus	18. Tacitus	19. Suetonius	20. Old Testament	21. O. T. Apocrypha	22. Philo	23. Josephus	24. Pliny the Younger	25. Protocols	26. Acta Alexandrinorum	27. Acts of Chr. Martyrs	TOTALS
01. Number of trial scenes mentioned	INDIRECT DISCOURSE	CONTAINS NO SPEECHES	4	19	6	2	2	2	20	13	SPEECHES INCOMPLETE	SPEECHES INCOMPLETE	4	169
02. Trials not citing an apology				9	4		2		4					46
03. Apologies mentioned as not given			2					1	2	1				17
04. Apologies merely noted or described				7	2			1	7	12				61
05. Apologies in indirect speech									4					17
06. Apologies in direct/indirect speech									1					5
07. Apologies in direct speech too short for analysis						2							1	4
08. Apologies in direct speech			2	3		2			2				3	21
09. Apologies given by other than defendant														
10. Apologies clearly presented as non-verbatim													1	3
11. Free exchange between court participants			1	1		2							3	7

TABLE 2

FORMAL ELEMENTS IN THE DEFENSE SPEECHES OF HISTORIOGRAPHY

Notes

Table 2, consisting of two sections (Sections A & B), indicates how 23 defense speeches[1] found in the 27 sources listed in Table 1 compare in the use or non-use of certain formal elements and characteristics to be found in the introduction, body, and conclusion of a defense speech. The numbers to be found at the head of the columns may be matched with the numbers of the columns of Table 1 to find the proper source for the individual speech which has for its reference an alphabetical letter.

The plus sign signifies the presence of a particular feature in a given speech while the minus indicates its absence. The question mark (included for tabulation purposes with the minus) occurrs when the writer felt that the evidence was less than conclusive. The square has been left blank when the text was unclear or when the item did not apply (e.g., If no introduction appears, its absence would be pointed

[1]Columns O, P, S, and T do not contain data on defense speeches. The Old Testament sources have to do with dialogical material and the protocols and the Acta Alexandrinorum sources are only available to us in fragments. These sources have been nevertheless included for any information they may provide, especially in regard to the framework (Table 3). Therefore the totals registered in the last two columns will usually relate the 19 actual speeches surveyed in this Table and in Table 3 to follow.

out by the minus, but the remaining features of the introduction would be left blank, having no longer the possibility for application).

The majority of the descriptions having to do with the 25 formal elements found in defense speeches should be clear to one who has read the text of this investigation. A brief comment, however may be helpful in a few instances. When the introduction or conclusion is very short (lines 01 and 17), perhaps only a sentence or two, the plus sign will be put in parentheses. A line or two might serve as an introduction (or conclusion) but it would be expected that certain other features present is a longer introuction would perforce be missing. The use of rhetorical questions in the body of the defense (line 12) is given a plus sign if such usage is frequent. One rhetorical question in the average speech would not indicate a use of this feature so common to defense speeches. In most cases it is the body of the speech which is interrupted if there is such a break in the speech. Nevertheless we have included this element under the conclusion (line 20) since in such speeches it would explain why the conclusion does not appear.

TABLE 2-Section A

FORMAL ELEMENTS
IN DEFENSE SPEECHES
OF
HISTORIOGRAPHY

The Introduction	05-A. Roman Antiquities	08-B. Roman History-Piso	14-C. Ab urbe condita-Icilius	14-D. Ab urbe condita-Marcellus	14-E. Ab urbe condita-Demetrius	14-F. Ab urbe condita-Perseus	14-G. Ab urbe condita-Rhodians	14-H. Ab urbe condita-Manlius	14-I. Ab urbe condita-Lycortas	17-J. History of Alexander-Philotas	17-K. History of Alexander-Amyntas	18-L. Annals-M. Terentius	18-M. Annals-Agrippina
01. Appears [Short (+)]	+	+	-	(+)	+	(+)	+	+	+	+	(+)	(+)	
02. Clearly defined	+	+		-	+	-	+	+	+	-	+	-	
03. Saying verb-εἶπεν-dicere	+	-		-	-	-	-	-	-	-	-	-	
04. Term of address used	+	+		+	+	-	+	+	+	-	+	-	
05. Labels speech apology	+	-		-	-	+	-	+	+	+	+	-	
06. Captatio benevolentiae	+	-		-	-	-	+	-	-	-	+	-	
07. Claims innocence	+	+		-	+	-	-	-	-	-	-	-	
08. Explains defense	-	-		-	-	-	-	-	-	-	-	-	

The Body of the Speech													
09. Clearly indicated	+	+	-	-	+	-	+	+	+	+	+	-	-
10. Opens with charges	-	+	-	-	+	+	+	+	+	+	+	?	+
11. Clearly treats charges	+	+	-	+	+	+	+	+	+	+	+	+	+
12. Rhetorical questions	+	+	-	+	+	+	+	+	+	+	+	-	-
13. Term of address used	+	+	+	+	+	+	+	+	+	+	+	+	-
14. Stresses innocence	+	+	-	+	+	+	+	+	+	+	+	-	+
15. Further accuses	-	-	+	-	-	-	-	-	-	-	-	-	+
16. Calls speech "apology"	-	-	+	-	-	+	+	-	-	+	-	+	-

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TABLE 2-Section A

The Introduction	18-N. Annals-Servilia	20-O. 1 Samuel 22:11-18	20-P. 1 Kings 3:16-27	23-Q. Antiquities-Alexander	23-R. War-Antipater	25-S. Protocols	26-T. Acta Alexandrinorum	27-U. Martyrdom of Apollonius	27-V. Martyrdom of Apollonius	27-W. Martyrdom of Pionius	PLUS TOTALS	MINUS TOTALS
01. Appears [Short (+)]	-	-	-	+	(+)			(+)	-	+	15	5
02. Clearly defined				+	-			-		+	8	6
03. Saying verb-εἶπεν-dicere				+	-	+	+	+	+	-	6	12
04. Term of address used				+	+			+		+	12	3
05. Calls speech "apology"				-	-			+		-	7	8
06. Captatio benevolentiae				+	-			-		-	4	11
07. Claims innocence				+	-			-		-	4	11
08. Explains defense				-	-			-		-	0	15

The Body of the Speech

09. Clearly indicated	-	-	-	+	-			-	-	+	10	11
10. Opens with charges	-			+	+			-	+	-	12	7
11. Clearly treats charges	-	+	+	+	-			-	-	+	16	5
12. Rhetorical questions	-			+	+			-	-	+	13	6
13. Term of address used	+			-	+			+	+	-	16	3
14. Stresses innocence	+	+	+	+	+			-	-	+	17	4
15. Further accuses	-			-	-			-	-	-	2	17
16. Calls speech "apology"	-			-	-			+	-	-	6	13

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TABLE 2-Section B

FORMAL ELEMENTS

IN DEFENSE SPEECHES

OF

HISTORIOGRAPHY

The Conclusion	05-A. Roman Antiquities	08-B. Roman History-Piso	14-C. Ab urbe condita-Icilius	14-D. Ab urbe condita-Marcellus	14-E. Ab urbe condita-Demetrius	14-F. Ab urbe condita-Perseus	14-G. Ab urbe condita-Rhodians	14-H. Ab urbe condita-Manlius	14-I. Ab urbe condita-Lycortas	17-J. History of Alexander-Philotas	17-K. History of Alexander-Amyntas	18-L. Annals-M. Terentius	18-M. Annals-Agrippina
17. Appears [Short (+)]	(+)	+	-	(+)	+	+	+	+	+	(+)	-	+	-
18. Clearly defined	+	+		-	-	+	-	-	+	-		-	
19. Shorter than intro.	+	-		+	-	-	-	?	-	+		-	
20. Speech interrupted	-	-		-	+	-	-	-	-	+	+	-	
21. Term of address used	-	-		+	+	+	+	+	+	-		+	
22. Repeats intro. content	-	-		+	+	-	+	?	-	-		-	
23. Stresses innocence	-	-		+	+	+	+	?	+	-		-	
24. Shows speech is ending	+	-		+	-	+	-	-	-	+		-	
25. Calls speech "apology"	-	+		-	+	-	-	+	-	-		+	

TABLE 2-Section B

The Conclusion

	18-N. Annals-Servilia	20-O. 1 Samuel 22:11-18	20-P. 1 Kings 3:16-27	23-Q. Antiquities-Alexander	23-R. War-Antipater	25-S. Protocols	26-T. Acta Alexandrinorum	27-U. Martyrdom of Apollonius	27-V. Martyrdom of Apollonius	27-W. Martyrdom of Pionius	PLUS TOTALS	MINUS TOTALS
17. Appears [Short (-)]	-	-	-	+	+			-	-	-	6	9
18. Clearly defined				+	+						6	6
19. Shorter than intro.				+	-						4	8
20. Speech interrupted	+			-	-						4	10
21. Term of address used				+	+						9	3
22. Repeats intro. content				+	-						4	8
23. Stresses innocence				+	-						6	6
24. Shows speech is ending				-	-						4	8
25. Calls speech "apology"				+	-						5	7

TABLE 3

FORMAL ELEMENTS IN THE FRAMEWORK SURROUNDING DEFENSE SPEECHES

Notes

Table 3 provides the comparative data on the various constitutive elements of the opening and closing narrative framework of each of the 23 speeches listed in Table 2. The function of the plus and minus signs is idential to their use in Table 2.

The following statements will explain those descriptions in the chart which are incomplete due to the limitations of space:

Line 01-The description of the judge or jury, people present, the time and place of trial, and the nature of the occasion.

Line 02-The charges may be mentioned, alluded to, or covered by a speech of accusation.

Line 03-The term "defendant" is to be understood (also in lines 06, 07, 08) as the one who gives the defense speech, whether it be the actual defendant on trial or the speaker pleading the case for the defendant. The description referred to has to do with the attitude of the defendant, not his identity. An asterisk appears in those instances when the defendant is described as weeping.

Line 09-The description of the trial in the closing framework has reference to remarks on the effect of the speech on the jury or judge, the attitude or reaction of others present, and any

interchange or action of or between those present aside from the statement of the verdict which is treated under line 11.

Line 12-The length of the defense speech is in reality not a part of the framework nor yet is it an element of the speech itself. All the elements listed could appear in speeches which varied greatly in their length. It is possible, however, for the length of a speech to tell us something about a writer's typical pattern or explain why, in the case of short speeches, certain elements are missing. The standard line has been figured on the basis of full lines from the Loeb Classical Library edition of classical texts. The lines of speeches taken from texts not of this edition have been computed on the basis of 7.5 words per line, the average length of the Greek or Latin text of the Loeb Classical Library edition.

TABLE 3

FORMAL ELEMENTS IN THE FRAMEWORK SURROUNDING DEFENSE SPEECHES

Opening Framework	05-A. Roman Antiquities	08-B. Roman History-Piso	14-C. Ab urbe condita-Icilius	14-D. Ab urbe condita-Marcellus	14-E. Ab urbe condita-Demetrius	14-F. Ab urbe condita-Perseus	14-G. Ab urbe condita-Rhodians	14-H. Ab urbe condita-Manlius	14-I. Ab urbe condita-Lycortas	17-J. History of Alexander-Philotas	17-K. History of Alexander-Amyntas	18-L. Annals-M. Terentius	18-M. Annals-Agrippina
01. Trial scene described	+	+	+	-	+	+	+	+	+	+	+	-	+
02. Charges mentioned	+	+	-	+	+	+	-	+	+	+	+	+	+
03. Charges/evidence read	-	-	-	-	-	-	-	-	-	-	-	-	-
04. Defendant described	-	-	-	-	+	-	-	-	-	+	-	-	-
05. Calls speech "apology"	+	-	-	+	-	-	-	-	-	+	-	-	+
06. Defendant ordered or permitted to speak	+	-	-	-	+	-			-	+	+	-	-
07. Defendant requests permission to speak	-	-	-	-	-	-			-	-	-	-	-
08. Defendant speaks on own initiative	-	+	+	+	-	+			+	-	-	+	+

Closing Framework

09. Trial scene described	+	+	+	+	-	-	+	-	+	+	+	-	+
10. Calls speech "apology"	-	+	+	-	-	-	-	+	-	-	-	-	-
11. Verdict revealed	+	+	+	+	+	+	+	+	+	+	+	+	-
12. Apology length-lines	186	165	20	46	190	95	174	154	97	131	98	32	22

TABLE 3

	18-N. Annals-Servilia	20-O. 1 Samuel 22:11-18	20-P. 1 Kings 3:16-27	23-Q. Antiquities-Alexander	23-R. War-Antipater	25-S. Protocols	26-T. Acts Alexandrinorum	27-U. Martyrdom of Apollonius	27-V. Martyrdom of Apollonius	27-W. Martyrdom of Pionius	PLUS TOTALS	MINUS TOTALS
Opening Framework												
01. Trial scene described	+	+	-	-	+	+	-	-	+	+	17	6
02. Charges mentioned	+	+	+	+	+			+	+	-	18	3
03. Charges/evidence read	-	-	-	-	-			-	+	-	1	20
04. Defendant described	+	-	-	+	+	+	-	-	-	-	6	17
05. Calls speech "apology"	-	-	-	+	+			-	-	+	7	14
06. Defendant ordered or permitted to speak	-	-	-	-	-			-	-	-	4	15
07. Defendant requests permission to speak	-	-	-	-	-			-	-	-	0	19
08. Defendant speaks on own initiative	+	+	+	+	+			+	+	+	15	4
Closing Framework												
09. Trial scene described	+	-	-	+	+	+		-	-	-	13	9
10. Calls speech "apology"	-	-	-	-	-			-	-	-	3	18
11. Verdict revealed	+	+	+	+	+	+	+	+	+	-	21	2
12. Apology length-lines	9	8	2	70	43			22	50	85		

APPENDIX III

DEFENSE SPEECHES IN ANCIENT ROMANCE

A series of three tables listing the various ways in which apologies were reported in the writings of ancient romance, the formal elements of the speeches themselves, and certain characteristics of the framework surrounding these defense speeches.

Explanatory Notes

The following three tables are constructed in the same manner as are the tables of Appendix II. For detailed information on how to read these tables summarizing the features of the defense speeches of Paul in Acts consult the explanatory notes preceding each table in Appendix II.

TABLE 1

GENERAL FEATURES OF APOLOGIES

IN ANCIENT ROMANCE

	01. Jewish Romances	02. Christian Romances	03. Chariton	04. Xenophon of Ephesus	05. Longus	06. Heliodorus	07. Achilles Tatius	08. Petronius Arbiter	09. Apuleius	TOTALS
01. Number of trial scenes mentioned	NO DEFENSE SPEECHES	NO DEFENSE SPEECHES	2	NO DEFENSE SPEECHES	NO DEFENSE SPEECHES	2	2	INCOMPLETE TEXT	2	8
02. Trials not citing an apology										
03. Apologies mentioned as not given			1			2				3
04. Apologies merely noted or described									1	1
05. Apologies in indirect speech										
06. Apologies in direct/indirect speech										
07. Apologies in direct speech too short for analysis										
08. Apologies in direct speech			1				2		1	4
09. Apologies given by other than defendant							2			2
10. Apologies clearly presented as non-verbatim									1	1
11. Free exchange between court participants			1							1

TABLE 2-Section A

FORMAL ELEMENTS

IN DEFENSE SPEECHES

OF

ANCIENT ROMANCE

	03-A. Chaereas/Callirhoe-Mithridates	07-B. Leucippe/Clitophon-Clinas	07-C. Leucippe/Clitophon-Bishop	09-D. Metamorphoses-Lucian	PLUS TOTALS	MINUS TOTALS
The Introduction						
01. ~~Appears~~ [Short (+)]	+	(+)	+	+	4	0
02. Clearly defined	+	-	+	-	2	2
03. Saying verb-εἶπεν-dicere	-	+	-	-	1	3
04. Term of address used	+	+	-	-	2	2
05. Calls speech "apology"	+	-	-	-	1	3
06. Captatio benevolentiae	+	-	-	-	1	3
07. Claims innocence	+	+	-	+	3	1
08. Explains defense	-	-	-	-	0	4
The Body of the Speech						
09. Clearly indicated	+	-	-	-	1	3
10. Opens with charges	+	-	+	-	2	2
11. Clearly treats charges	+	+	+	+	4	0
12. Rhetorical questions	-	+	+	-	2	2
13. Term of address used	-	-	+	+	2	2
14. Stresses innocence	+	+	+	+	4	0
15. Further accuses	-	-	+	-	1	3
16. Calls speech "apology"	-	-	-	-	0	4

TABLE 2-Section B

FORMAL ELEMENTS

IN DEFENSE SPEECHES

OF

ANCIENT ROMANCE

The Conclusion	3-A. Chaereas/Callirhoe-Mithridates	7-B. Leucippe/Clitophon-Clinas	7-C. Leucippe/Clitophon-Bishop	9-D. Metamorphoses-Lucian	PLUS TOTALS	MINUS TOTALS
17. Appears [Short (+)]	-	(+)	(+)	+	3	1
18. Clearly defined		-	+	-	1	2
19. Shorter than introduction		-	+	-	1	2
20. Speech interrupted	+	-	-	-	1	3
21. Term of address used		-	-	-	0	3
22. Repeats introduction content		+	-	+	2	1
23. Stresses innocence		-	+	+	2	1
24. Shows speech is ending		-	+	-	1	2
25. Calls speech "apology"		-	-	-	0	3

TABLE 3

FORMAL ELEMENTS IN THE FRAMEWORK SURROUNDING DEFENSE SPEECHES

Opening Framework	3-A. Chaereas/Callirhoe-Mithridates	7-B. Leucippe/Clitophon-Clinas	7-C. Leucippe/Clitophon-Bishop	9-D. Metamorphoses-Lucian	PLUS TOTALS	MINUS TOTALS
01. Trial scene described	+	+	-	+	3	1
02. Charges mentioned	+	+	+	+	4	0
03. Charges/evidence read	+	-	-	-	1	3
04. Defendant described	-	-	-	+	1	3
05. Calls speech "apology"	+	-	-	-	1	3
06. Defendant ordered or permitted to speak	-	-	-	+	1	3
07. Defendant requests permission to speak	-	+	-	-	1	3
08. Defendant speaks on own initiative	+	-	+	-	2	2

Closing Framework

09. Trial scene described	+	+	-	+	3	1
10. Calls speech "apology"	+	-	-	-	1	3
11. Verdict revealed	+	+	-	-	2	2
12. Apology length-lines	50	77	80	51		

APPENDIX IV

THE DEFENSE SPEECHES OF PAUL IN ACTS

A series of three tables listing the various ways in which Luke has presented the defense speeches in the book of Acts, the formal elements of the speeches themselves, and certain characteristics of the framework surrounding these defense speeches.

Explanatory Notes

The following three tables are constructed in the same manner as are the tables of Appendix II. For detailed information on how to read these tables summarizing the features of the defense speech in ancient romance consult the explanatory notes preceding each table in Appendix II.

TABLE I

GENERAL FEATURES OF APOLOGIES

IN LUKE-ACTS

	TOTALS FOR LUKE-ACTS
01. Number of trial scenes mentioned	11
02. Trials not citing an apology	3
03. Apologies mentioned as not given	0
04. Apologies merely noted or described	0
05. Apologies in indirect speech	0
06. Apologies in direct/indirect speech	0
07. Apologies in direct speech too short for analysis	4
08. Apologies in direct speech	4
09. Apologies given by other than defendant	0
10. Apologies clearly presented as non-verbatim	1
11. Free exchange between court participants	3

TABLE 2-SECTION A

FORMAL ELEMENTS

IN DEFENSE SPEECHES

OF

PAUL IN LUKE-ACTS

	A. Paul before Jews-Temple Speech	B. Paul before Felix	C. Paul before Festus-Agrippa	PLUS TOTALS	MINUS TOTALS
The Introduction					
01. Appears [Short (+)]	(+)	(+)	(+)	3	0
02. Clearly defined	+	+	+	3	0
03. Saying verb-εἶπεν-dicere	-	-	-	0	3
04. Term of address used	+	-	+	2	1
05. Calls speech "apology"	+	+	+	3	0
06. Captatio benevolentiae	-	+	+	2	1
07. Claims innocence	-	-	-	0	3
08. Explains defense	-	-	-	0	3
The Body of the Speech					
09. Clearly indicated	+	+	+	3	0
10. Opens with charges	+	+	+	3	0
11. Clearly treats charges	?	+	+	2	1
12. Rhetorical questions	-	-	-	0	3
13. Term of address used	-	-	+	1	2
14. Stresses innocence	+	+	+	3	0
15. Further accuses	-	-	-	0	3
16. Calls speech "apology"	-	-	-	0	3

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TABLE 2-SECTION B

FORMAL ELEMENTS

IN DEFENSE SPEECHES

OF

PAUL IN LUKE-ACTS

The Conclusion	A. Paul before Jews-Temple Speech	B. Paul before Felix	C. Paul before Festus-Agrippa	PLUS TOTALS	MINUS TOTALS
17. Appears [Short (+)]	-	?	+	1	2
18. Clearly defined		-	?	0	2
19. Shorter than introduction		-	-	0	2
20. Speech interrupted	+	-	+	2	1
21. Term of address used		-	+	1	1
22. Repeats introduction content		-	?	0	2
23. Stresses innocence		-	+	1	1
24. Shows speech is ending		-	-	0	2
25. Calls speech "apology"		-	-	0	2

TABLE 3

FORMAL ELEMENTS

IN THE FRAMEWORK SURROUNDING

DEFENSE SPEECHES

OF

PAUL IN LUKE-ACTS

Opening Framework	A. Paul Before Jews-Temple Speech	B. Paul before Felix	C. Paul before Festus-Agrippa	PLUS TOTALS	MINUS TOTALS
01. Trial scene described	+	+	+	3	0
02. Charges mentioned	+	+	+	3	0
03. Charges/evidence read	-	-	-	0	3
04. Defendant described	?	-	-	0	3
05. Calls speech "apology"	-	-	+	1	2
06. Defendant ordered or permitted to speak	-	+	+	2	1
07. Defendant requests permission to speak	-	-	-	0	3
08. Defendant speaks on own initiative	+	-	-	1	2
Closing Framework					
09. Trial scene described	+	+	+	3	0
10. Calls speech "apology	-	-	+	1	2
11. Verdict revealed	+	+	+	3	0
12. Apology length-lines	50	27	56		